

Agency 88

Kansas Board of Regents

Articles

- 88-1. RESERVED.
- 88-2. PROCEDURES FOR DETERMINING RESIDENCE FOR FEE PURPOSES.
- 88-3. GUIDELINES FOR THE DETERMINATION OF RESIDENCY FOR FEE PURPOSES.
- 88-4. *TRAFFIC AND PARKING AT STATE EDUCATIONAL INSTITUTIONS. (Not in active use)*
- 88-5. TRAFFIC AND PARKING; UNIVERSITY OF KANSAS.
- 88-6. BICYCLES; UNIVERSITY OF KANSAS.
- 88-7. *TRAFFIC AND PARKING; UNIVERSITY OF KANSAS MEDICAL CENTER. (Not in active use)*
- 88-8. KANSAS CAREER WORK-STUDY PROGRAM.
- 88-9. VOCATIONAL EDUCATION SCHOLARSHIP PROGRAM.
- 88-10. TAX-SHELTERED ANNUITY PROGRAM.
- 88-11. TAX-SHELTERED ANNUITY PROGRAMS FOR PERSONS COVERED BY K.S.A. 74-4925b.
- 88-12. GUIDELINES FOR PARTICIPATION IN THE REGENTS VOLUNTARY PHASED RETIREMENT PROGRAM.
- 88-13. STUDENT ASSISTANCE PROGRAMS.
- 88-14. COMMUNITY RESOURCE PROGRAM.
- 88-15. REGISTRATION OF COURSES OR PROGRAMS OFFERED IN KANSAS BY FOREIGN INSTITUTIONS OF POSTSECONDARY EDUCATION.
- 88-16. AUTHORIZATION OF INSTITUTIONS OF POSTSECONDARY EDUCATION TO CONFER DEGREES.
- 88-17. WAIVER OF FEES OR TUITION FOR SELECTED ROTC MEMBERS.
- 88-18. KANSAS HONORS PROGRAM.
- 88-19. KANSAS RHODES SCHOLARSHIP PROGRAM.
- 88-20. KANSAS NURSING STUDENT SCHOLARSHIP PROGRAM.
- 88-21. KANSAS ETHNIC MINORITY SCHOLARSHIP PROGRAM.
- 88-22. KANSAS TEACHER SCHOLARSHIP PROGRAM.
- 88-23. PROPRIETARY SCHOOLS.
- 88-24. GENERAL EDUCATION DEVELOPMENT (GED) TEST.
- 88-25. RESERVED.
- 88-26. COMMUNITY COLLEGES.
- 88-27. WASHBURN MUNICIPAL UNIVERSITY.
- 88-28. PRIVATE AND OUT-OF-STATE POSTSECONDARY EDUCATION INSTITUTIONS.
- 88-29. QUALIFIED ADMISSION.
- 88-30. STUDENT HEALTH INSURANCE PROGRAM.

Article 1.—RESERVED

Article 2.—PROCEDURES FOR DETERMINING RESIDENCE FOR FEE PURPOSES

88-2-1. Residence classification. (a) The registrar of each institution governed by the state

board of regents shall determine the residence status for fee purposes of each student who enrolls in the institution. If the registrar determines that the original residency classification of any student was incorrect, the registrar shall give written notice of reclassification to that student, together with a statement of any additional fees owed by

or any refund due to that student for any terms or semesters, and the same shall be due and payable immediately.

(b) Any residency determination by an agent duly designated by a registrar to make a determination pursuant to articles 2 and 3 shall be deemed to be the residency determination of that registrar. (Authorized by K.S.A. 76-730; implementing K.S.A. 76-729; effective, E-71-35, Aug. 20, 1971; effective Jan. 1, 1972; amended Nov. 18, 1991; amended July 24, 1998.)

88-2-2. Appeals. (a) Each student who is classified as a nonresident for fee purposes upon enrollment and who disagrees with that classification shall be entitled to an appeal if the student files a written appeal thereon with the registrar within 30 days of notification of classification. Any student who is classified as a resident for fee purposes at the time of enrollment, who subsequently is reclassified a nonresident for such purposes, and who disagrees with that reclassification, may make an appeal provided the student files a written appeal thereon with the registrar within 30 days of notification of reclassification.

(b) Each registrar's office shall provide on request a standard appeal form. The payment in full of fees as originally assessed shall be a condition to the right to maintain an appeal from residency classification or reclassification.

(c) If a student fails to file an appeal in the time and manner provided in this regulation, the classification or reclassification determined by the registrar shall, upon expiration of the appeal period, become final. (Authorized by K.S.A. 76-730; implementing K.S.A. 76-729; effective, E-71-35, Aug. 20, 1971; effective Jan. 1, 1972; amended Nov. 18, 1991.)

88-2-3. Residence committee. Each institution governed by the state board of regents shall establish a committee of at least three members to act as an appellate body to hear and determine appeals concerning the status of students as residents or nonresidents of Kansas for fee purposes. Members of the residence committee shall be appointed by the chancellor or president of each institution under a procedure established by the chancellor or president. The procedure shall be consistent with state law and the regulations of the state board of regents. Committee members shall serve at the pleasure of the chancellor or president.

(b) The residence committee shall elect its own

chair who shall be eligible to vote in all cases. The registrar shall meet with the university residence committee but shall not be a member of the committee. (Authorized by K.S.A. 76-730; implementing K.S.A. 76-729; effective, E-71-35, Aug. 20, 1971; effective Jan. 1, 1972; amended Nov. 18, 1991.)

88-2-4. Decisions of residence committee. (a) Subject to the provisions of K.S.A. 77-601, *et seq.*, decisions of the residence committee shall not be subject to further administrative review by any officer or committee of the university or by the state board of regents.

(b) If the residence committee determines that the appealing student was entitled to be classified as a Kansas resident for fee purposes, an amount equal to the difference between resident fees for the term or semester involved and the nonresident fees paid by the student for that term or semester shall be refunded to the student immediately.

(c) The residence committee may seek advice, through the executive officer of the state board of regents, from the attorney general upon legal questions involved in any case pending before it. Opinions rendered by the attorney general to the executive officer shall be distributed among the registrars of all institutions governed by the state board of regents. (Authorized by K.S.A. 76-730; implementing K.S.A. 76-729; effective, E-71-35, Aug. 20, 1971; effective Jan. 1, 1972; amended Nov. 18, 1991.)

Article 3.—GUIDELINES FOR THE DETERMINATION OF RESIDENCY FOR FEE PURPOSES

Editor's Note:

Prior regulations 88-3-1 to 88-3-8 relating to guidelines for the determination of residence were revoked, E-68-6, Jan. 15, 1968, and were permanently revoked Jan. 1, 1969. The numbers were reassigned to the present subject.

Regulations 88-3-1 to 88-3-7, adopted in 1968, were revoked, E-71-35, Aug. 20, 1971, and permanently revoked Jan. 1, 1972. The numbers were reassigned as follows:

88-3-1. Student information. Whenever a question arises concerning a person's residence classification for fee purposes, that person shall be provided with a copy of information substantially as set forth in this regulation, together with K.A.R. 88-3-2 through 88-3-13.

"Carefully read the information, statute, and regulations that follow. Then, if you believe you should be eligible for resident classification for fee

purposes, complete the attached application for residence classification and submit it to the registrar within 30 days of your notification of classification as a nonresident for fee purposes. When an appeal is made by a student from a determination that the student is a nonresident, the student must pay nonresident fees at the time designated for payment of fees. If the student is found to be a resident, the difference between resident and nonresident fees will be refunded. Subject to the provisions of K.S.A. 77-601, *et seq.*, decisions of the residence committee shall not be subject to further administrative review by any officer or committee of the university, or by the state board of regents."

Responsibility

"The responsibility of enrolling under proper residence classification for fee purposes is placed on the student. If there is any possible question of residence classification under the regulations of the state board of regents, it is the duty of the student when registering and paying fees to raise the question with the registrar. If a student enrolls incorrectly as a resident of Kansas and it is determined at a later date the student was a nonresident for fee purposes, the student shall be required to pay the nonresident fee for all terms during which the student was incorrectly registered." (Authorized by K.S.A. 76-730; implementing K.S.A. 76-729; effective, E-71-35, Aug. 20, 1971; effective Jan. 1, 1972; amended, E-76-50, Oct. 10, 1975; amended, E-77-5, March 19, 1976; amended Feb. 15, 1977; amended May 1, 1986; amended Nov. 18, 1991; amended July 24, 1998.)

88-3-2. Definition of "residence" for fee purposes. (a) Except as otherwise provided in the rules and regulations of the state board of regents, "residence" means a person's place of habitation, to which, whenever the person is absent, the person has the intention of returning. A person shall not be considered a resident of Kansas unless that person is in continuous physical residence, except for brief temporary absences, and intends to make Kansas a permanent home, not only while in attendance at an educational institution, but indefinitely thereafter as well.

(b) The factors that, while not conclusive, shall be given probative value in support of a claim for resident status include the following:

(1) Continuous presence in Kansas, except for

brief temporary absences, during periods when not enrolled as a student;

(2) employment in Kansas;

(3) payment of Kansas state resident income taxes;

(4) reliance on Kansas sources for financial support;

(5) commitment to an education program that indicates an intent to remain permanently in Kansas;

(6) acceptance of an offer of permanent employment in Kansas;

(7) admission to a licensed practicing profession in Kansas; or

(8) ownership of a home in Kansas.

No factor shall be considered in support of a claim for resident status unless the factor has existed for at least one year before enrollment or re-enrollment.

(c) The following circumstances, standing alone, ordinarily shall not constitute sufficient evidence of a change to Kansas residence:

(1) Voting or registration for voting in Kansas;

(2) employment in any position normally filled by a student;

(3) lease of living quarters in Kansas;

(4) a statement of intention to acquire residence in Kansas;

(5) residence in Kansas of the student's spouse;

(6) vehicle registration in Kansas;

(7) acquisition of a Kansas driver's license;

(8) payment of Kansas personal property taxes; or

(9) continuous enrollment in a postsecondary educational institution in Kansas.

(d) If a person is continuously enrolled for a full academic program as defined by the institution where enrolled, it shall be presumed that the student is in Kansas for educational purposes, and the burden shall be on the student to prove otherwise.

(e) Maintenance of ties with another state or country, including financial support, voting, payment of personal property taxes, registering a vehicle or securing a driver's license in that state or country, may be considered sufficient evidence that residence in the other state or country has been retained. (Authorized by K.S.A. 76-730; implementing K.S.A. 76-729; effective, E-71-35, Aug. 20, 1971; effective Jan. 1, 1972; amended, E-76-50, Oct. 10, 1975; amended, E-77-5, March 19, 1976; amended Feb. 15, 1977; amended May 1,

1986; amended Nov. 18, 1991; amended July 24, 1998.)

88-3-3. Definition of “12 months.” The phrase “12 months prior to enrollment for any term or session,” as used in K.S.A. 76-729, means a continuous 365-day period immediately prior to the first day of classes for a specified term or session. (Authorized by K.S.A. 76-730; implementing K.S.A. 76-729; effective, E-71-35, Aug. 20, 1971; effective Jan. 1, 1972; amended, E-76-50, Oct. 10, 1975; amended, E-77-5, March 19, 1976; amended Feb. 15, 1977; amended Nov. 18, 1991.)

88-3-4. Residence of persons under eighteen years of age. Generally, the residence of a person who is under 18 years of age is determined by the residence of the person’s custodial parent or parents or of the parent providing the preponderance of the student’s support. If both parents are deceased, residence shall be determined by the residence of the person’s legal guardian or custodian, or if none exists, of the person providing the preponderance of support. Any person under 18 years of age who is legally emancipated shall be considered an adult for residence purposes. (Authorized by K.S.A. 76-730; implementing K.S.A. 76-729, 76-730; effective, E-71-35, Aug. 20, 1971; effective Jan. 1, 1972; amended, E-76-50, Oct. 10, 1975; amended, E-77-5, March 19, 1976; amended Feb. 15, 1977; amended May 1, 1986.)

88-3-5. (Authorized by K.S.A. 76-730; implementing K.S.A. 76-729; effective, E-71-35, Aug. 20, 1971; effective Jan. 1, 1972; amended, E-76-50, Oct. 10, 1975; amended, E-77-5, March 19, 1976; amended Feb. 15, 1977; amended Nov. 18, 1991; revoked July 24, 1998.)

88-3-6. Equal treatment of men and women. In the application of K.S.A. 1975 Supp. 76-729 and these regulations, men and women shall be treated the same. (Authorized by K.S.A. 1976 Supp. 76-729, 76-730; effective, E-71-35, Aug. 20, 1971; effective Jan. 1, 1972; amended, E-76-50, Oct. 10, 1975; amended, E-77-5, March 19, 1976; amended Feb. 15, 1977.)

88-3-7. Residence of married persons. The residence of married persons shall be determined separately for each spouse. (Authorized by K.S.A. 1976 Supp. 76-729, 76-730; effective, E-76-50, Oct. 10, 1975; effective, E-77-5, March 19, 1976; effective Feb. 15, 1977.)

88-3-8. (Authorized by K.S.A. 76-730; implementing K.S.A. 2005 Supp. 76-729, K.S.A. 76-730; effective, E-71-35, Aug. 20, 1971; effective Jan. 1, 1972; amended, E-76-50, Oct. 10, 1975; amended, E-77-5, March 19, 1976; amended Feb. 15, 1977; amended May 1, 1986; amended Nov. 18, 1991; amended Aug. 18, 2006; revoked July 27, 2007.)

88-3-8a. Military personnel. (a) The resident fee privilege shall be accorded to any person who meets the following conditions:

(1) Is enrolled at any state educational institution as defined by K.S.A. 76-711 and amendments thereto; and

(2) meets one of the following conditions:

(A) Is actively serving in any armed service of the United States and, regardless of the individual’s duty station, resides in Kansas; or

(B) is a member of the Kansas army or air national guard.

(b) The resident fee privilege shall be accorded to a spouse and the dependents of a person that meets the requirements of paragraph (a)(2)(A) unless one of the following occurs:

(1) The person meeting the requirements of paragraph (a)(2)(A) is reassigned from a Kansas duty station to a duty station outside the state, and the spouse or dependents do not continue to reside in Kansas.

(2) The person meeting the requirements of paragraph (a)(2)(A) never had a duty station assignment in Kansas and does not continue to reside in Kansas.

(c) The resident fee privilege shall be accorded to a spouse and the dependents of a person that meets the requirements of paragraph (a)(2)(B) unless the spouse or dependents do not reside in Kansas.

(d) This regulation shall not be construed to prevent a person in the military service from acquiring or retaining a bona fide residence in Kansas.

(e) This regulation shall apply retroactively beginning with any student who enrolled in the fall semester of 2006 at any state educational institution as defined by K.S.A. 76-711 and amendments thereto. (Authorized by K.S.A. 76-730; implementing K.S.A. 2006 Supp. 76-729, as amended by 2007 HB 2425, §1 and 2007 HB 2185, §10, and K.S.A. 76-730; effective July 27, 2007.)

88-3-9. Institutional personnel. (a) Any employee of an institution governed by the state

board of regents, classified and unclassified, on a regular payroll appointment for .4 time or more, shall be accorded the resident fee privilege.

(b)(1) The dependent spouse and children of any employee of an institution governed by the state board of regents, whether the employee's position is classified or unclassified, shall be accorded the resident fee privilege, provided that the employee holds a regular payroll appointment for 1.0 time.

(2) The dependent spouse and children of any employee of an institution governed by the state board of regents, whether the employee's position is classified or unclassified, shall be accorded the resident fee privilege, provided that the employee holds a regular payroll appointment for at least .4 time but less than 1.0 time and is enrolled in a graduate program on the effective date of this regulation, until one of the following criteria is met:

(A) the expiration of the time allowed in the relevant university catalog for the employee to complete the aforesaid graduate program;

(B) a break in enrollment by the employee;

(C) the employee's being awarded the graduate degree from the aforesaid graduate program; or

(D) the end of the employee's employment.

(c) The provisions of this regulation shall not apply to seasonal, temporary or hourly employees. (Authorized by K.S.A. 76-730; implementing K.S.A. 76-729; effective, E-71-35, Aug. 20, 1971; effective Jan. 1, 1972; amended, E-76-50, Oct. 10, 1975; amended, E-77-5, March 19, 1976; amended Feb. 15, 1977; amended Nov. 18, 1991; amended March 6, 1998.)

88-3-10. Kansas high school graduates.

(a) The resident fee privilege shall be granted to any person graduating from a Kansas high school accredited by the state board of education who:

(1) Qualifies for admission and begins classes at any institution governed by the state board of regents within six months of high school graduation;

(2) was a Kansas resident for fee purposes at the time of graduation from high school or within 12 months prior to graduation from high school; and

(3) provides an official copy of that person's high school transcript to the university of enrollment.

(b) This resident fee privilege shall be granted even if the student is not otherwise qualified for

this privilege due to the current residence of the student's parents or guardians.

(c) This privilege shall be granted as long as the student remains continuously enrolled at any institution governed by the state board of regents.

(d) Each person seeking the resident fee privilege pursuant to the provisions of these rules shall be responsible for providing such information necessary to verify graduation from a Kansas high school and resident status at or 12 months prior to graduation from high school. (Authorized by and implementing K.S.A. 76-729, as amended by 1991 S.B. 21, Sec. 2, and K.S.A. 76-730; effective, T-88-30, Aug. 19, 1987; effective May 1, 1988; amended Nov. 18, 1991.)

88-3-11. Recruited or transferred employees.

(a) The resident fee privilege shall be granted to any person who upon enrollment has been a domiciliary resident of the state of Kansas for fewer than 12 months and whose current domiciliary residence was established to accept or retain full-time employment in the state of Kansas. The resident fee privilege shall also be granted to the spouse and dependent children of that person.

(b) Any person seeking the resident fee privilege pursuant to the provisions of this regulation shall provide a statement from the employer that supports the claim and meets these requirements:

(1) Be notarized;

(2) be signed by the personnel director of the employer and one of the following:

(A) The owner;

(B) a partner; or

(C) the chief executive officer of the employer;

(3) indicate whether residence in Kansas was established as the result of a job transfer or recruitment;

(4) indicate the date of initial employment in Kansas in case of a job transfer;

(5) indicate the date of hire in the case of an employment recruitment;

(6) set forth the nature of the position in Kansas as full-time; and

(7) set forth the expected length of employment in Kansas.

(c) An individual who is self-employed shall not be considered eligible for the resident fee privilege under this regulation.

(d) Military personnel shall be considered pursuant to K.A.R. 88-3-8 and not pursuant to the provisions of this regulation.

(e) Each person seeking the resident fee priv-

ilege pursuant to the provisions of this regulation shall be responsible for providing information necessary to indicate that the establishment of residence in the state of Kansas was solely as a result of accepting, upon recruitment by an employer, or retaining, upon a transfer request by an employer, full-time employment in the state of Kansas.

(f) The resident fee privilege extended by this regulation shall continue for a maximum of 12 months, but this privilege shall be extended during the pendency of the labor certification process with the United States department of labor or of a petition for adjustment of status with the immigration and naturalization service, when the recruited or transferred employee is a foreign national who has presented proof of each relevant filing. (Authorized by K.S.A. 76-730; implementing K.S.A. 76-729; effective, T-88-30, Aug. 19, 1987; effective May 1, 1988; amended Nov. 18, 1991; amended July 24, 1998.)

88-3-12. Discharged or retired from active military service in Kansas. (a) The resident fee privilege shall be granted to each person who meets the following requirements:

(1) Has been a domiciliary resident of Kansas for less than 12 months;

(2) had a permanent change of station order for active duty in Kansas;

(3) has retired or has been honorably discharged from military service; and

(4) established current domiciliary residence at enrollment. The resident fee privilege shall also be granted to the spouse and dependent children of that person.

(b) Each person seeking the resident fee privilege according to this regulation shall be responsible for providing the registrar at the state educational institution, as defined by K.S.A. 76-711 and amendments thereto, at which the person is enrolling with the information necessary to indicate domiciliary residence in Kansas and shall provide a statement in support of the claim that meets the following requirements:

(1) Is notarized;

(2) is signed by an appropriate military officer;

(3) provides the date of discharge or retirement from active military service and specifies whether the discharge or retirement was under honorable conditions;

(4) provides the date of initial presence in Kansas; and

(5) provides the dates of all active duty service in Kansas, including the date of the permanent change of station order for active duty in Kansas.

(c) The resident fee privilege extended by this regulation shall continue for a maximum of 12 months.

(d) This regulation shall apply retroactively beginning with any student who enrolled in the fall semester of 2006 at any state educational institution as defined in K.S.A. 76-711 and amendments thereto. (Authorized by K.S.A. 76-730; implementing K.S.A. 2006 Supp. 76-729, as amended by 2007 HB 2425, §1 and 2007 HB 2185, §10; effective Nov. 14, 1988; amended Nov. 18, 1991; amended July 27, 2007.)

88-3-13. Persons with special domestic relations circumstances. (a) The resident fee privilege shall be granted to any dependent student whose parents are divorced, as long as at least one parent is a Kansas resident pursuant to articles 2 and 3 of these regulations.

(b) A dependent student who is correctly classified as a resident and who maintains continuous fall and spring enrollment and domiciliary residence in Kansas shall maintain the resident fee privilege. Brief temporary absences shall not end the eligibility for the resident fee privilege, as long as domiciliary residence is maintained. (Authorized by K.S.A. 76-730; implementing K.S.A. 76-729; effective July 24, 1998.)

Article 4.—TRAFFIC AND PARKING AT STATE EDUCATIONAL INSTITUTIONS

Editor's Note:

Parking and traffic regulations of state educational institutions under the control and supervision of the Kansas Board of Regents are exempt from the filing requirements of K.S.A. 77-415 *et seq.* See 77-415(e).

Article 5.—TRAFFIC AND PARKING; UNIVERSITY OF KANSAS

88-5-1 through 88-5-2. (Authorized by K.S.A. 74-3211; effective Jan. 1, 1966; revoked Oct. 18, 2002.)

88-5-3. (Authorized by K.S.A. 74-3212; effective Jan. 1, 1966; revoked Oct. 18, 2002.)

88-5-4. (Authorized by K.S.A. 74-3211; effective Jan. 1, 1966; revoked Oct. 18, 2002.)

**Article 6.—BICYCLES;
UNIVERSITY OF KANSAS**

88-6-1. (Authorized by K.S.A. 74-3211; effective Jan. 1, 1966; revoked Oct. 18, 2002.)

88-6-2 through 88-6-3. (Authorized by K.S.A. 74-3211, 74-3212; effective Jan. 1, 1966; revoked Oct. 18, 2002.)

**Article 7.—TRAFFIC AND PARKING;
UNIVERSITY OF
KANSAS MEDICAL CENTER**

88-7-1 to 88-7-12. (Authorized by K.S.A. 74-3210, 74-3211, 74-3212, 74-3213; effective Jan. 1, 1966; revoked Feb. 15, 1977.)

**Article 8.—KANSAS
CAREER WORK-STUDY PROGRAM**

88-8-1. Definitions. Terms used herein are defined as follows: (a) "Employment" means the opportunity of an eligible student to provide, on a part-time basis and for compensation, services to or on behalf of an employer which complement and enhance the educational preparation of the eligible student's career. The services performed shall be subject to the supervision and control of the employer.

(b) "Employer" means any private business, not-for-profit organization, or public agency with a place of business in Kansas which will pay compensation to an eligible student for services performed on a part-time basis by an eligible student as directed and requested by the employer. The definition of employer shall not include the eligible institutions, or their auxiliary enterprises, affiliated corporations or foundations.

(c) "Cost of attendance" means the amount of tuition, required fees, room and board and other related costs as determined by the eligible institution which a student must pay to attend class and receive credit for coursework at the eligible institution.

(d) "Established financial need" means the cost of attendance minus any scholarship or fellowship monies awarded to the eligible student and minus any financial aid received by the eligible student pursuant to title IV of the higher education act of 1965, as amended. (Authorized by L. 1987, Ch. 282, Sec. 3; implementing L. 1987, Ch. 282, effective, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

88-8-2. Applicant eligibility. Each eligible institution shall determine the eligibility of each student to participate in the program and the number of hours which each student may work. To be eligible for program funds, each applicant shall demonstrate to the satisfaction of the eligible institution that the applicant: (a) Is a resident of the state of Kansas;

(b) is enrolled as a student at least half-time at the eligible institution during the fall and spring semesters;

(c) is in need of earnings from employment to assist in the pursuit of a course of study at the eligible institution;

(d) is in good academic standing at the eligible institution as determined by the academic policies of the eligible institution; and

(e) is able to maintain satisfactory academic standing at the eligible institution while participating in the program. (Authorized by K.S.A. 1990 Supp. 74-3276; implementing K.S.A. 1990 Supp. 74-3274 et seq.; effective, T-88-51, Dec. 16, 1987; effective May 1, 1988; amended Dec. 14, 1992.)

88-8-3. Compensation. The total earnings of each eligible student participating in the program shall not exceed the total cost of attendance at an eligible institution, or the amount of established financial need on the part of the eligible student, whichever is lesser. The eligible institution shall determine the salary or wages to be paid to each eligible student and shall contribute a minimum of one-half of the minimum federal hourly wage for the eligible student. The employer shall pay the remainder of the salary or wage due. The employer shall also bear the costs of any employee benefits, including all payments due under state or local workers' compensation laws, under the federal insurance contribution act, federal and state income tax or under other applicable laws. (Authorized by L. 1987, Ch. 282, Sec. 3; implementing L. 1987, Ch. 282, effective, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

88-8-4. Contractual agreement. Each eligible institution shall require the use of a uniform contractual agreement with the employer and the eligible student. The contract shall be prepared by the state board and shall include provisions which:

(a) provide a brief description of the work to be performed by each eligible student;

(b) set forth the hourly rate of pay;

(c) set forth the average number of hours per week each eligible student will work;

(d) provide that the employer has the right to control and direct the services of the student with reference to the results to be accomplished and the means by which it shall be accomplished;

(e) set forth the term of the contract and how the contract may be extended or terminated;

(f) set forth the benefits to be provided by the employer;

(g) set forth the manner of reimbursement of the employee by the eligible institution; and

(h) set forth provisions relating to non-discriminatory treatment. (Authorized by L. 1987, Ch. 282, Sec. 3; implementing L. 1987, Ch. 282, effective, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

88-8-5. Program availability. Each eligible institution shall be responsible for taking steps to see that participation in the program is reasonably available for each eligible student who desires to participate. These steps shall include: (a) the encouragement of participation and involvement by employers to provide for a wide variety of employment opportunities to eligible students;

(b) the publication of information about the program where readily accessible to eligible students;

(c) frequent contact and follow-through with employers about operation of the program; and

(d) accurate monitoring of the work records of eligible students to maintain the number of hours worked. (Authorized by L. 1987, Ch. 282, Sec. 3; implementing L. 1987, Ch. 282, effective, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

88-8-6. Employee displacement. Each eligible institution shall determine the eligibility of each employer to participate in the program. Each employer seeking employment of an eligible student pursuant to the program shall provide a statement which shall: (a) Be notarized;

(b) be signed by the owner, a partner, chief executive officer, or the personnel director of the employer;

(c) indicate the nature of the intended employment for each eligible student with a brief description of the work to be performed;

(d) indicate the compensation to be paid to the eligible students;

(e) indicate the amount of hours available for employment under the program; and

(f) certify that any position occupied by an el-

igible student, and funded through the program, does not displace existing employees of the employer or impair existing contracts. (Authorized by L. 1987, Ch. 282, Sec. 3; implementing L. 1987, Ch. 282, effective, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

88-8-7. Administrative expenses. Each eligible institution shall be permitted to spend up to 4% of the funds allocated to it under the program to meet expenses which are directly attributable to development or enhancement of the program and to the operation and management thereof. Each eligible institution shall maintain information relating to these administrative records and shall provide the information to the state board as requested. (Authorized by L. 1987, Ch. 282, Sec. 3; implementing L. 1987, Ch. 282, effective, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

88-8-8. Annual report. The program shall be evaluated by the board annually and a program report shall be submitted to the governor and the legislature. Each eligible institution shall be prepared to make and file an annual report on campus operations of the program, as requested by the state board, to permit the state board to make the annual report. (Authorized by L. 1987, Ch. 282, Sec. 3; implementing L. 1987, Ch. 282, effective, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

88-8-9. College certification. Upon the enrollment of Kansas career work study program recipients, each eligible post-secondary institution shall certify to the board that each recipient attending its institution: (a) Is a resident of the state of Kansas according to K.S.A. 76-729(a) and applicable administrative regulations of the board of regents relating to residency determinations;

(b) is enrolled as a student at least half-time at the eligible institution during the fall and spring semesters;

(c) is in need of earnings from employment to assist in the pursuit of a course of study at the eligible institution;

(d) is in good academic standing at the eligible institution as determined by the academic policies of the eligible institution; and

(e) is able to maintain satisfactory academic standing at the eligible institution while participating in the program. (Authorized by K.S.A. 1990

Supp. 74-3276; implementing K.S.A. 1990 Supp. 74-3274 et seq.; effective Dec. 14, 1992.)

Article 9.—VOCATIONAL EDUCATION SCHOLARSHIP PROGRAM

88-9-1. Definitions. Terms used herein are defined as follows: (a) “Vocational education scholarship” means the award of a financial grant-in-aid by this state under K.S.A. 1987 Supp. 72-4460 to K.S.A. 72-4465.

(b) “Vocational education scholar” means a person who:

- (1) is a resident of Kansas;
- (2) has graduated from a high school accredited by the state board of education or has received general educational development credentials issued by the state board of education;
- (3) is enrolled in or has been accepted for admission to a vocational education program operated by a designated educational institution; and
- (4) has qualified on the basis of a competitive examination of ability and aptitude for the award of vocational education scholarship, or has previously so qualified and remains qualified on the basis of satisfactory performance for the renewal of the award of a vocational education scholarship.

(c) “Vocational education program” means a vocational education program operated at the postsecondary level by a designated educational institution.

(d) “Designated educational institution” means an educational institution which:

- (1) qualifies as an eligible institution for federal guaranteed-loan program under the higher education act of 1965 (P.L. 89-329) as amended; and
- (2) the main campus or principal place of operation of which is located in Kansas.

(e) “Program term” means one-half the duration of the period of time required for completion of a vocational education program when such period of time encompasses more than one school year.

(f) “School year” means the period of time beginning on July 1 in each calendar year and ending on June 30 in the succeeding year.

(g) “Board of regents” or “board” means the state board of regents provided for in the constitution of this state. (Authorized by and implementing K.S.A. 1987 Supp. 72-4463; effective Nov. 14, 1988.)

88-9-2. Applicant eligibility. To be eligible for a vocational education scholarship offer, a

person shall demonstrate to the executive director of the board that the person: (a) has fulfilled the requirements set forth in K.A.R. 88-9-1(b);

(b) is an undergraduate who has never received a baccalaureate degree;

(c) is or will be enrolled full time in an eligible vocational education program; and

(d) has submitted an application for receipt of scholarship stipends, or if eligible for a second term has submitted an application for renewal award. (Authorized by and implementing K.S.A. 1987 Supp. 72-4463; effective Nov. 14, 1988.)

88-9-3. Competitive examination. (a) Any person desiring designation as a vocational education scholar shall register for and complete the differential aptitude test.

(b) The differential aptitude test shall be administered twice annually on the first Saturday in November and on the first Saturday in March at various testing sites around the state.

(c) Each registrant is required to pay a fee which covers the cost of purchasing and administering the examination.

(d) Detailed information pertaining to registration for the competitive examination, test sites and the exact amount of the required fee shall be available at all eligible institutions. (Authorized by and implementing K.S.A. 1990 Supp. 72-4463; effective Nov. 14, 1988; amended Dec. 14, 1992.)

88-9-4. Applications. (a) Written information and application materials for the vocational scholarship program shall be made available by the board to all eligible institutions.

(b) Applications for scholarship stipends shall be submitted to the board no later than the 15th of May preceding the school year for which the scholarship is sought. (Authorized by and implementing K.S.A. 1987 Supp. 72-4463; effective Nov. 14, 1988.)

88-9-5. Institutional certification. Upon the enrollment of each grantee, each institution with an eligible vocational education program shall certify to the board that: (a) the grantee is a full time undergraduate student enrolled in an eligible vocational education program;

(b) if also receiving a state scholarship, the amount awarded under both the vocational scholarship and the state scholarship programs does not exceed the total of tuition and required fees for the vocational education program in which the student is enrolled; and

(c) if receiving a renewal award, the grantee has performed satisfactorily according to the institution's academic policy. (Authorized by and implementing K.S.A. 1987 Supp. 72-4463; effective Nov. 14, 1988.)

88-9-6. Scholar selection. (a) One hundred scholars will be selected each year on the basis of greatest ability and aptitude as demonstrated on the differential aptitude test.

(b) The executive director of the board will designate vocational education scholars on or before May 1 of each year.

(c) Recipients of vocational education scholarships will be notified of their awards on or before July 1. (Authorized by and implementing K.S.A. 1987 Supp. 72-4463; effective Nov. 14, 1988.)

Article 10.—TAX-SHELTERED ANNUITY PROGRAM

88-10-1. Purchase of annuities; conditions. A program for the purchase of voluntary tax-sheltered annuities is hereby established for the members of the faculty and other eligible employees, as defined in K.S.A. 74-4925(1)(a), and any amendments thereto. The maximum amount to be contributed on behalf of each participating employee, including the contributions for employer-purchased annuities for the retirement plan described in K.S.A. 74-4925(1)(b) and K.S.A. 74-4925(1)(c), and any amendments thereto, shall be limited by the provisions of the internal revenue code of 1954 as amended. Such voluntary tax-sheltered annuities shall be purchased by the board of regents for those eligible employees who voluntarily reduce their salaries to provide the funds with which to purchase such annuities. The board of regents shall designate one or more basic retirement plan providers. The contributions dedicated to the plan as provided for in K.S.A. 74-4925(1)(b) and K.S.A. 74-4925(1)(c), and any amendments thereto, shall continue to be maintained for all present employees and all eligible new employees. (Authorized by K.S.A. 1984 Supp. 74-4925; implementing K.S.A. 1984 Supp. 74-4925; effective, E-74-12, Dec. 28, 1973; effective May 1, 1975; amended, T-85-31, Nov. 14, 1984; amended May 1, 1985.)

88-10-2. Same; contracts. The executive officer of the board of regents, or any person or persons designated by the executive officer, may execute contracts on behalf of the board of re-

gents with companies offering plans meeting the requirements of section 403(b) of the internal revenue code of 1954, as amended, and in effect on October 1, 1984. These contractual arrangements shall be only for the purpose of meeting such requirements as are needed by the companies and shall not be considered as an endorsement of any company. (Authorized by K.S.A. 1984 Supp. 74-4925; implementing K.S.A. 1984 Supp. 74-4925; effective, E-74-12, Dec. 28, 1973; effective May 1, 1975; amended, T-85-31, Nov. 14, 1984; amended May 1, 1985.)

88-10-3. Same; powers to financial officer. The chief financial officer of each state educational institution or the chief financial officer's designee may, on behalf of the board of regents, sign applications and other papers required to carry into effect the voluntary tax-sheltered annuity program. (Authorized by K.S.A. 1984 Supp. 74-4925; implementing K.S.A. 1984 Supp. 74-4925; effective, E-74-12, Dec. 28, 1973; effective May 1, 1975; amended, T-85-31, Nov. 14, 1984; amended May 1, 1985.)

88-10-4. Same; contracts. The voluntary tax-sheltered annuity program and annuities, contracts, and certificates associated with the voluntary tax-sheltered annuity program shall be separate from and in addition to the retirement program described in K.S.A. 74-4925(1)(b) and K.S.A. 74-4925(1)(c), and any amendments thereto. The voluntary tax-sheltered annuity contracts shall comply with sections 401(g) and 403(b) of the internal revenue code of 1986 [26 U.S.C. § 401(g) and 403(b), as amended by P.L. 99-514]. No voluntary tax-sheltered plan shall be offered to any eligible employee until the company offering the plan has submitted verification to the executive officer of the board of regents or the executive officer's designee that:

(a) the plan meets the requirements of section 403(b) of the internal revenue code of 1986 [26 U.S.C. § 403(b), as amended by P.L. 99-514]; and

(b) there are five employees contractually committed to participation in the company's voluntary tax-sheltered plan. Such contracts shall not provide any element of life insurance nor for premium waiver benefits. (Authorized by and implementing K.S.A. 1991 Supp. 74-4925; effective, E-74-12, Dec. 28, 1973; effective May 1, 1975; amended, T-85-31, Nov. 14, 1984; amended May 1, 1985; amended June 7, 1993.)

88-10-5. Same; companies authorized to issue annuities. Companies authorized to issue the voluntary tax-sheltered annuities shall be Teachers Insurance and Annuity Association/College Retirement Equities Fund, any life insurance company authorized to do business in this state and any noninsurance company offering retirement plans that meet the requirements of section 403(b) of the internal revenue code of 1954 as amended. (Authorized by K.S.A. 1984 Supp. 74-4925; implementing K.S.A. 1984 Supp. 74-4925; effective, E-74-12, Dec. 28, 1973; effective May 1, 1975; amended, T-85-31, Nov. 14, 1984; amended May 1, 1985.)

88-10-6. Same; names of agents soliciting business; limits. Each company engaged in the on-campus solicitation of voluntary tax-sheltered annuities shall file, in the office of the chief fiscal officer of each state educational institution, a list of the names of its agents who will solicit business. Not more than four agents shall be listed at each institution at any one time. Solicitation of this business by agents other than those so listed shall not be permitted. The list shall be accompanied by a statement, signed by a company officer, that the agents named are trained in the sale and service of tax-sheltered annuities. Each company or agent who does not comply with board or institutional policies regarding the solicitation of tax-sheltered annuity business shall be barred from further solicitation on campus. (Authorized by K.S.A. 1986 Supp. 74-4925; implementing K.S.A. 1986 Supp. 74-4925; effective, E-74-12, Dec. 28, 1973; effective May 1, 1975; amended, T-85-31, Nov. 14, 1984; amended May 1, 1985; amended May 1, 1988.)

88-10-7. Same; responsibility of employees; exclusion allowance. Each participating employee shall be responsible for the selection of the company and the type of annuity contract to be purchased on the employee's behalf and for evaluation of the tax-sheltered status provided by the contract. The board of regents shall not assume responsibility for an employee's selection. Each company offering the annuity product shall provide for the fiscal offices a maximum exclusion allowance calculation for each employee desiring to participate in the tax sheltered annuity program. (Authorized by K.S.A. 1984 Supp. 74-4925; implementing K.S.A. 1984 Supp. 74-4925; effective, E-74-12, Dec. 28, 1973; effective May 1,

1975; amended, T-85-31, Nov. 14, 1984; amended May 1, 1985.)

88-10-8. Same; salary reduction agreement form; termination of agreements. A uniform salary reduction agreement form shall be used at the state educational institutions to effect the salary reduction and annuity purchase requests of the participating employees. The agreement shall be made for a period of at least one year. However, the first agreement may be for the remaining portion of the tax year. The employee may terminate an existing agreement at any time with respect to amounts not yet earned, but the employee shall not make more than one agreement with the same employer during the tax year. (Authorized by K.S.A. 1984 Supp. 74-4925; implementing K.S.A. 1984 Supp. 74-4925; effective, E-74-12, Dec. 28, 1973; effective May 1, 1975; amended, T-85-31, Nov. 14, 1984; amended May 1, 1985.)

88-10-9. (Authorized by K.S.A. 1974 Supp. 74-4925; effective, E-74-12, Dec. 28, 1973; effective May 1, 1975; revoked, T-85-31, Nov. 14, 1984; revoked May 1, 1985.)

88-10-10. Same; signed agreement and worksheet. An agreement to reduce salary and to purchase tax-deferred annuities and the appropriate worksheet shall be completed and signed by each participant in the voluntary tax-sheltered annuity program. (Authorized by K.S.A. 1984 Supp. 74-4925; implementing K.S.A. 1984 Supp. 74-4925; effective, E-74-12, Dec. 28, 1973; effective May 1, 1975; amended, T-85-31, Nov. 14, 1984; amended May 1, 1985.)

88-10-11. Reserved.

88-10-12. Same; selection of companies by employee; limitations. Each participating employee shall select no more than one company in addition to the basic retirement plan provider for the purchase of tax-sheltered annuities. The basic retirement plan provider may be the company selected for additional annuity purchase. (Authorized by K.S.A. 1984 Supp. 74-4925; implementing K.S.A. 1984 Supp. 74-4925; effective, E-74-12, Dec. 28, 1973; effective May 1, 1975; amended, T-85-31, Nov. 14, 1984; amended May 1, 1985.)

Article 11.—TAX-SHELTERED ANNUITY PROGRAMS FOR PERSONS COVERED BY K.S.A. 74-4925b

88-11-1. Program establishment; limitation; exception. A program for the purchase of

voluntary tax-sheltered annuities is hereby established for any person employed by a state educational institution who is not described in K.S.A. 74-4925(1)(a), and any amendments thereto. The maximum amount to be contributed on behalf of each participating employee shall be as limited by the provisions of the internal revenue code of 1954 as amended. Such voluntary tax-sheltered annuities shall be purchased by the board of regents for those eligible employees who voluntarily reduce their salaries to provide the funds with which to purchase annuities. (Authorized by K.S.A. 74-4925b; implementing K.S.A. 74-4925b; effective, E-74-34, July 2, 1974; effective May 1, 1975; amended, T-85-31, Nov. 14, 1984; amended May 1, 1985.)

88-11-2. Same; eligible employees. Any person who is employed half-time or more by the board of regents or a state educational institution, who is not employed on a temporary basis and who is not described in K.S.A. 74-4925(1)(a), and any amendments thereto, shall be eligible to participate in a program established under K.A.R. 88-11-1. (Authorized by K.S.A. 74-4925b; implementing K.S.A. 74-4925b; effective, E-74-34, July 2, 1974; effective May 1, 1975; amended, T-85-31, Nov. 14, 1984; amended May 1, 1985.)

88-11-3. Same; contracts; execution. The executive officer of the board of regents, or any person or persons designated by the executive officer, may execute contracts on behalf of the board of regents with companies offering plans meeting the requirements of section (403)(b) of the internal revenue code of 1954 as amended. These contractual arrangements shall be only for the purpose of meeting such requirements as are needed by the companies and shall not be considered as an endorsement of any company. (Authorized by K.S.A. 74-4925b; implementing K.S.A. 74-4925b; effective, E-74-34, July 2, 1974; effective May 1, 1975; amended, T-85-31, Nov. 14, 1984; amended May 1, 1985.)

88-11-4. Same; powers of financial officer. The chief financial officer of the state educational institution or the chief financial officer's designee may, on behalf of the board of regents, sign applications and other papers required to carry into effect the voluntary tax-sheltered annuity program. (Authorized by K.S.A. 74-4925b; implementing K.S.A. 74-4925b; effective, E-74-

34, July 2, 1974; effective May 1, 1975; amended, T-85-31, Nov. 14, 1984; amended May 1, 1985.)

88-11-5. Same; conditions and limitations on programs. The voluntary tax-sheltered annuity program and annuities, contracts and certificates associated with the voluntary tax-sheltered annuity program shall be separate from the basic retirement program described in K.S.A. 74-4919, and any amendments thereto. The voluntary tax-sheltered annuity contracts shall comply with sections 401 (g) and 403 (b) of the internal revenue code of 1986 [26 U.S.C. §§ 401(g) and 403(b), as amended by P.L. 99-514]. No voluntary tax-sheltered plan shall be offered to any eligible employee until the company offering the plan has submitted verification to the executive officer of the board of regents or the executive officer's designee that:

(a) the plan meets the requirements of section 403(b) of the internal revenue code of 1986 [26 U.S.C. § 403(b), as amended by P.L. 99-514]; and

(b) there are five employees contractually committed to participation in the company's voluntary tax-sheltered plan. Such contracts shall not provide any element of life insurance nor for premium waiver benefits. (Authorized by and implementing K.S.A. 74-4925b; effective, E-74-34, July 2, 1974; effective May 1, 1975; amended, T-85-31, Nov. 14, 1984; amended May 1, 1985; amended June 7, 1993.)

88-11-6. Same; companies authorized to issue annuities. Companies authorized to issue the voluntary tax-sheltered annuities shall be Teachers Insurance and Annuity Association/College Retirement Equities Company, any life insurance company authorized to do business in Kansas and any noninsurance company offering retirement plans that meet the requirements of section 403(b) of the internal revenue code of 1954 as amended. (Authorized by K.S.A. 74-4925b; implementing K.S.A. 74-4925b; effective, E-74-34, July 2, 1974; effective May 1, 1975; amended, T-85-31, Nov. 14, 1984; amended May 1, 1985.)

88-11-7. Same; filing names of soliciting agents; limits; statement of company. Each company engaged in the on-campus solicitation of voluntary tax-sheltered annuities shall file, in the office of the chief fiscal officer of each state educational institution, a list of the names of its agents who will solicit business. Not more than

four agents shall be listed at each institution at any one time. Solicitation of this business by agents other than those so listed shall not be permitted. The list shall be accompanied by a statement, signed by a company officer, that the agents named are trained in the sale and service of tax-sheltered annuities. Each company or agent who does not comply with board or institutional policies regarding the solicitation of tax-sheltered annuity business shall be barred from further solicitation on campus. (Authorized by K.S.A. 74-4925b; implementing K.S.A. 74-4925b; effective, E-74-34, July 2, 1974; effective May 1, 1975; amended, T-85-31, Nov. 14, 1984; amended May 1, 1985; amended May 1, 1988.)

88-11-8. Same; employee responsibility; exclusion allowance. Each participating employee shall be responsible for the selection of the company and the type of annuity contract to be purchased on the employee's behalf and for evaluation of the tax-sheltered status provided by the contract. The board of regents shall not assume responsibility for an employee's selection. Each company offering the annuity product shall provide for the fiscal offices a maximum exclusion allowance calculation for each employee desiring to participate in the tax sheltered annuity program. (Authorized by K.S.A. 74-4925b; implementing K.S.A. 74-4925b; effective, E-74-34, July 2, 1974; effective May 1, 1975; amended, T-85-31, Nov. 14, 1984; amended May 1, 1985.)

88-11-9. Same; salary reduction and annuity purchase requests; forms; termination of agreements. A uniform salary reduction agreement form shall be used at the state education institutions to effect the salary reduction and annuity purchase requests of the participating employees. The agreement shall be made for a period of at least one year. However, the first agreement may be for the remaining portion of the tax year. The employee may terminate an existing agreement at any time with respect to amounts not yet earned, but the employee shall not make more than one agreement with the same employer during the tax year. (Authorized by K.S.A. 74-4925b; implementing K.S.A. 74-4925b; effective, E-74-34, July 2, 1974; effective May 1, 1975; amended, T-85-31, Nov. 14, 1984; amended May 1, 1985.)

88-11-10. (Authorized by K.S.A. 1974 Supp. 74-4925b; effective, E-74-34, July 2, 1974;

effective May 1, 1975; revoked, T-85-31, Nov. 14, 1984; revoked May 1, 1985.)

88-11-11. Same; signed agreement and worksheet. An agreement to reduce salary and to purchase tax-deferred annuities and the appropriate worksheet shall be completed and signed by each participant in the voluntary tax-sheltered annuity program. (Authorized by K.S.A. 74-4925b; implementing K.S.A. 74-4925b; effective, E-74-34, July 2, 1974; effective May 1, 1975; amended, T-85-31, Nov. 14, 1984; amended May 1, 1985.)

88-11-12. Same; selection of one company. Each participating employee shall select no more than one company in addition to the basic retirement plan for the purchase of voluntary tax-sheltered annuities. (Authorized by K.S.A. 74-4925b; implementing K.S.A. 74-4925b; effective, E-74-34, July 2, 1974; effective May 1, 1975; amended, T-85-31, Nov. 14, 1984; amended May 1, 1985.)

Article 12.—GUIDELINES FOR PARTICIPATION IN THE REGENTS VOLUNTARY PHASED RETIREMENT PROGRAM

88-12-1. Eligibility. Any person who is an unclassified employee at a regents university who has completed at least 10 years of full-time service shall be eligible for participation in the program upon reaching 55 years of age. (Authorized by and implementing K.S.A. 76-746, as amended by 1994 Substitute for HB 2597, Sec. 30; effective, T-86-22, July 1, 1985; effective May 1, 1986; amended Nov. 28, 1994.)

88-12-2. Voluntariness. Entry into a phased retirement agreement shall be voluntary on the part of each regents institution and the individual unclassified employee, except that the institution shall refuse to enter into a phased retirement agreement when entry into the agreement is not in the best interests of the institution. (Authorized by and implementing K.S.A. 76-746, as amended by 1994 Substitute for HB 2597, Sec. 30; effective, T-86-22, July 1, 1985; effective May 1, 1986; amended Nov. 28, 1994.)

88-12-3. Procedure for application and approval. (a) Each eligible unclassified employee requesting participation in the program shall sub-

mit a written request for participation to the appropriate officer of the institution.

(b) It shall be ascertained by the officer whether entry into the requested agreement is in the best interest of the institution. If so, the final decision on the terms of the agreement shall be made by the officer and approval of the agreement shall be recommended to the chief executive officer of the institution. (Authorized by and implementing K.S.A. 76-746, as amended by 1994 Substitute for HB 2597, Sec. 30; effective, T-86-22, July 1, 1985; effective May 1, 1986; amended Nov. 28, 1994.)

88-12-4. Revocability. Each phased retirement agreement shall be irrevocable, except that the agreement may be rescinded within 48 hours of signature at the option of the employee. (Authorized by and implementing K.S.A. 76-746, as amended by 1994 Substitute for HB 2597, Sec. 30; effective, T-86-22, July 1, 1985; effective May 1, 1986; amended Nov. 28, 1994.)

88-12-5. Provisions of agreement. (a) Each phased retirement agreement shall specify:

(1) the fractional time appointment to be served. Fractional time appointments shall be calculated on the total academic or fiscal year depending on the term of the appointment at the time of entry into the program, and shall carry with them a proportionate reduction in salary;

(2) the initial salary to be paid for the fractional time appointment;

(3) the full-time benefits to be enjoyed by the unclassified employee; and

(4) the duration of the agreement, which shall not exceed five years, and the date of full retirement.

(b) The final agreement shall contain the signatures of both parties. (Authorized by and implementing K.S.A. 76-746, as amended by 1994 Substitute for HB 2597, Sec. 30; effective, T-86-22, July 1, 1985; effective May 1, 1986; amended Nov. 28, 1994.)

88-12-6. Full-time benefits. (a) Participating unclassified employees shall receive the following benefits:

(1) retention of full-time health care benefits until the end of the agreement or full retirement, whichever occurs first;

(2) retention of death and disability coverage until the end of the agreement or full retirement, whichever occurs first;

(3) retention of full-time employer-paid retirement benefits until the end of the agreement or full retirement, whichever occurs first;

(4) for tenured faculty members, retention of tenure until the end of the agreement or full retirement, whichever occurs first;

(5) continued full use of university facilities; and

(6) continued eligibility for annual merit increases.

(b) The full-time equivalent salary shall be used for the calculation of all state-provided benefits. (Authorized by and implementing K.S.A. 76-746, as amended by 1994 Substitute for HB 2597, Sec. 30; effective, T-86-22, July 1, 1985; effective May 1, 1986; amended Nov. 28, 1994.)

88-12-7. Modification of agreement. Any participating unclassified employee and the institution may, by mutual consent, modify the agreement by further reducing the participant's fractional time appointment prior to the specified date of retirement or by permitting the employee to take full retirement at an earlier date. (Authorized by and implementing K.S.A. 76-746, as amended by 1994 Substitute for HB 2597, Sec. 30; effective, T-86-22, July 1, 1985; effective May 1, 1986; amended Nov. 28, 1994.)

88-12-8. Full retirement. Full retirement shall occur not later than the end of the agreement. Retirement from an institution under this program shall not preclude post-retirement term appointments. (Authorized by and implementing K.S.A. 76-746, as amended by 1994 Substitute for HB 2597, Sec. 30; effective, T-86-22, July 1, 1985; effective May 1, 1986; amended Nov. 28, 1994.)

Article 13.—STUDENT ASSISTANCE PROGRAMS

Editor's Note:

Effective July 1, 1975, the state education commission was abolished and its powers and duties transferred to the Kansas board of regents. At the board's request, the commission's regulations were transferred to agency 88, article 13. Effective February 15, 1977, the board promulgated new regulations, replacing all regulations formerly promulgated by the commission.

88-13-1. Definitions. Terms used herein are defined as follows: (a) "Parent" means a guardian or any person who is legally responsible for the maintenance, care, or support of a dependent who is an applicant under this program.

(b) "Parent's contribution" means the amount

parents can reasonably be expected to contribute from their income and assets toward a year's college education costs for a dependent. This amount shall be determined based upon criteria approved by the board and established by the financial needs analysis agency selected by the board.

(c) "Independent student" means a student who demonstrates independence from a parent's support to the satisfaction of the board. Documentation that will meet U.S. education department guidelines for an independent student may be required from the applicant, applicant's parent or parents, or guardian to verify emancipation from the parent or parents.

(d) "Student contribution" means the amount a student can contribute from the student's own work and resources toward a year's college education costs. This amount shall be determined based upon criteria approved by the board and established by the financial needs analysis agency selected by the board. The student contribution shall not be less than \$450.

(e) "Student resources" means assets, earnings, income or benefits from other sources, and any grant or loan coming directly to the student from non-college sources, as defined by the U.S. department of education in 34 C.F.R. 674.14, effective February 2, 1988, which are hereby adopted by reference.

(f) "Family contribution" means the sum of parents' contribution and student contribution. The family contribution shall be determined annually.

(g) "Tuition" means the amount of money charged a full-time student for the cost of educational services for the academic year, excluding any summer session. The amount of the tuition shall be set by the eligible postsecondary institution and shall be the same for the grantee and non-grantee students who are in identical circumstances at the institution.

(h) "Required fees" means fees which are not optional for the full-time student and which are considered by the board to be for educational purposes.

(i) "College budget" means the total amount required for a student to attend the postsecondary institution of the student's choice. The costs of tuition and required fees, room and board, supplies, and incidentals shall be included in the college budget. For married students, a family maintenance budget shall be substituted for room and board. All amounts to be used for maintenance,

supplies and incidentals shall be comparable for all eligible institutions.

(j) "Tuition grant offer" means the annual amount offered to a student under this program, rounded to the nearest \$10. Each tuition grant offer shall be the lesser of the following amounts:

(1) an amount equal to one-half of the difference between the average amount of the total tuition and required fees of full-time in-state students who are enrolled at the state universities and the average amount of the total tuition and required fees of full-time in-state students who are enrolled at the accredited independent institutions in Kansas;

(2) the total tuition and required fees for two semesters, or the equivalent thereof, at the college of the student's choice;

(3) the financial need of the student; or

(4) the pro-rata amount determined by the board.

(k) "State scholarship offer" means the annual amount offered to a state scholar under this program, rounded to the nearest \$10. Each state scholarship offer shall be the lesser of the following amounts:

(1) \$1,000 for scholars designated for fall, 1985 and thereafter;

(2) \$500 for any scholar designated prior to fall, 1985;

(3) the financial need of the state scholar;

(4) the pro-rata amount determined by the board.

(l) "Grantee" means a person possessing a valid tuition grant offer, or state scholarship offer, or both.

(m) "Tuition grant payment or state scholarship payment" means the amount awarded to a student to enroll in a course of study of at least 12 hours each semester, or the equivalent thereof. This amount shall be determined by pro-rating the amount of the tuition grant offer, or state scholarship offer, or both.

(n) "Unmet need" means the financial need of a grantee less the amount of the student's tuition grant offer or state scholarship offer, or both. (Authorized by K.S.A. 1987 Supp. 72-6111, K.S.A. 72-6814; implementing K.S.A. 1987 Supp. 72-6107, 72-6109, K.S.A. 72-6110, K.S.A. 1987 Supp. 72-6111, 72-6810, 72-6812, K.S.A. 72-6814, 72-6815; effective, E-76-57, Dec. 12, 1975; effective, E-77-5, March 19, 1976; effective Feb. 15, 1977; amended May 1, 1984; amended, T-86-35, Nov.

20, 1985; amended May 1, 1986; amended Dec. 19, 1988.)

88-13-2. Financial needs analysis agency.

The board shall contract with one nationally recognized financial needs analysis agency which shall determine the financial need of each eligible applicant. The criteria to be used by the board in its selection of an agency shall be service, cost, and convenience for Kansas students, the eligible postsecondary institutions and the board. (Authorized by K.S.A. 1976 Supp. 72-6111, 72-6814; effective, E-76-57, Dec. 12, 1975; effective, E-77-5, March 19, 1976; effective Feb. 15, 1977.)

88-13-3. State scholar selection.

The board shall select state scholars according to criteria of scholastic ability selected annually by the board. (Authorized by K.S.A. 1976 Supp. 72-6814; effective, E-76-57, Dec. 12, 1975; effective, E-77-5, March 19, 1976; effective Feb. 15, 1977.)

88-13-4. Applicant eligibility.

To be eligible for a tuition grant offer, or state scholarship offer, or both, each applicant shall demonstrate to the executive director of the board that the applicant: (a) Is a resident of the state of Kansas;

(b) is initially accepted or enrolled at an eligible Kansas post-secondary institution;

(c) is an undergraduate who has never received a baccalaureate degree;

(d) has financial need as determined by an analysis of information submitted on the current year's American College Testing Service Family Financial Statement, which is hereby adopted as the board's family financial statement;

(e) having received a state scholarship and having completed the initial enrollment in a post-secondary educational institution, has attained the academic standard of a cumulative 3.3 grade point average for all post-secondary academic terms or semesters. The average shall be calculated on a 4.0 scale where an A equals four points;

(f) having received a tuition grant and having completed the initial enrollment in a post-secondary educational institution, has attained the academic standard of a cumulative 2.0 grade point average for all post-secondary academic terms or semesters. The average shall be calculated on a 4.0 scale where an A equals four points;

(g) having received federal financial assistance, does not owe a refund on any federal financial assistance and is not in default on any such federal financial assistance; and

(h) has otherwise complied with the requirements of 34 C.F.R. 692.40 effective February 2, 1988, which are hereby adopted by reference. (Authorized by K.S.A. 1990 Supp. 72-6111, K.S.A. 72-6814; implementing K.S.A. 1990 Supp. 72-6112, K.S.A. 72-6815; effective, E-76-57, Dec. 12, 1975; effective, E-77-5, March 19, 1976; effective Feb. 15, 1977; amended, T-85-6, Feb. 15, 1984; amended May 1, 1984; amended, T-85-14, May 3, 1984; amended, T-85-39, Dec. 17, 1984; amended May 1, 1985; amended, T-86-35, Nov. 20, 1985; amended May 1, 1986; amended Dec. 19, 1988; amended Dec. 14, 1992.)

88-13-5. Application eligibility.

An application will be eligible for consideration only if it (a) is submitted by an eligible applicant, (b) meets all deadlines of the board listed on the application, and (c) includes all required documentation and information. (Authorized by K.S.A. 1976 Supp. 72-6111, 72-6814; effective, E-76-57, Dec. 12, 1975; effective, E-77-5, March 19, 1976; effective Feb. 15, 1977.)

88-13-6. Hearing procedure.

If the executive director determines that an applicant is not eligible for a tuition grant offer or state scholarship offer, the applicant may submit written material concerning the determination of the executive director to the board. The board shall review the material and make a determination of the applicant's eligibility. (Authorized by K.S.A. 72-6111, 72-6814; implementing K.S.A. 72-6111, 72-6814; effective, E-76-57, Dec. 12, 1975; effective, E-77-5, March 19, 1976; effective Feb. 15, 1977; amended May 1, 1984.)

88-13-7. Examination of income tax forms.

All individuals whose financial data are required for a student assistance application shall certify in writing that they will release copies of their state or federal income tax returns to the board upon request. If the request is denied or if discrepancies are found between the application and the copy of the tax return, the application may be declared ineligible. (Authorized by K.S.A. 1976 Supp. 72-6112, 72-6815; effective, E-76-57, Dec. 12, 1975; effective, E-77-5, March 19, 1976; effective Feb. 15, 1977.)

88-13-8. Confidentiality of information.

All information received from applicants, parents, and spouses shall remain confidential and shall be released only in anonymous statistical groupings, except as provided in 88-13-7. (Authorized by

K.S.A. 1976 Supp. 72-6111, 72-6814; effective, E-76-57, Dec. 12, 1975; effective, E-77-5, March 19, 1976; effective Feb. 15, 1977.)

88-13-9. Rosters. If the amount that would be required to fully fund all eligible tuition grant offers, or state scholarship offers, or both exceeds state and federal appropriations, the board shall establish eligibility rosters of applicants so that the board may offer tuition grant offers, or state scholarship offers, or both until all available funds are exhausted. The rosters to be used shall be determined by the board annually and shall not discriminate on the basis of race, sex, religion, creed, national origin, age, or the eligible postsecondary institution of the student's choice. Rosters for apportionment of funds may be established that will rank applicants by earliest date of application, highest grade point average, lowest expected family contribution, student classification or a combination of these criteria.

If available funds are insufficient to fully fund all eligible applicants, the board may pro-rate awards on a percentage basis to all eligible applicants in addition, or as an alternative, to the rosters. (Authorized by K.S.A. 72-6111, 72-6814; implementing K.S.A. 72-6111, 72-6814; effective, E-76-57, Dec. 12, 1975; effective, E-77-5, March 19, 1976; effective Feb. 15, 1977; amended May 1, 1984.)

88-13-10. Grant offer. Each grantee shall notify the board before the deadline listed on the grant offer letter as to whether the grantee will accept the grant for the full academic year or a portion thereof. If this information is not received from the applicant by the deadline, the board may withdraw the original grant offer. (Authorized by K.S.A. 72-6111, 72-6814; implementing K.S.A. 72-6111, 72-6814; effective, E-76-57, Dec. 12, 1975; effective, E-77-5, March 19, 1976; effective Feb. 15, 1977; amended May 1, 1984.)

88-13-11. College certification. Upon the enrollment of grantees, each eligible postsecondary institution shall certify to the board that each grantee attending its institution: (a) Is a resident of the state of Kansas according to K.S.A. 76-729(a) and applicable administrative regulations of the board of regents relating to residency determinations;

(b) is not receiving more financial aid than the grantee's demonstrated need;

(c) is a full-time undergraduate student in good

standing who is responsible for paying full tuition and required fees;

(d) has met the state scholarship academic standard of a cumulative 3.3 grade point average for grantees participating in the state scholarship program;

(e) has met the tuition grant academic standard of a cumulative 2.0 grade point average for grantees participating in the tuition grant program;

(f) has, if selected for verification, satisfactorily completed the institution's verification process as provided in 34 C.F.R. 668.51-668.58, effective April 29, 1986, which are hereby adopted by reference;

(g) for an independent grantee, that the grantee meets the U.S. education department guidelines for an independent student as provided in 34 C.F.R. 668.2, effective February 2, 1988, which are hereby adopted by reference, and as verified by the institution; and

(h) where applicable, is in compliance with the eligibility requirements of 34 C.F.R. 692.40, effective February 2, 1988, which are hereby adopted by reference. (Authorized by K.S.A. 1990 Supp. 72-6111, K.S.A. 72-6814; implementing K.S.A. 1990 Supp. 72-6107, 72-6111, 72-6810, K.S.A. 72-6814; effective, E-76-57, Dec. 12, 1975; effective, E-77-5, March 19, 1976; effective Feb. 15, 1977; amended, T-85-6, Feb. 15, 1984; amended May 1, 1984; amended, T-85-14, May 3, 1984; amended, T-85-39, Dec. 19, 1984; amended May 1, 1985; amended, T-86-35, Nov. 20, 1985; amended May 1, 1986; amended Dec. 19, 1988; amended Dec. 14, 1992.)

88-13-12. Grant reduction. If a grantee receives more financial assistance than his unmet need, the amount of the tuition grant and/or state scholarship shall be reduced so that the grantee's financial need is not exceeded. (Authorized by K.S.A. 1976 Supp. 72-6111, 72-6814; effective, E-76-57, Dec. 12, 1975; effective, E-77-5, March 19, 1976; effective Feb. 15, 1977.)

Article 14.—COMMUNITY RESOURCE PROGRAM

88-14-1. Definitions. (a) "Assistant provost" means the assistant provost of the division of continuing education of Kansas state university; and

(b) "Review committee" means the community resource review committee appointed by the assistant provost pursuant to these regulations.

(Authorized by K.S.A. 74-5024, as amended by L. 1987, Ch. 305, Sec. 3(b); implementing L. 1987, Ch. 305, Sec. 1(a); effective, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

88-14-2. Review committee. (a) Membership. The review committee shall consist of seven persons appointed by the assistant provost. They shall represent diverse geographical and educational backgrounds and shall be knowledgeable in the area of community resource program development;

(b) Terms. Initially, two members shall be appointed for terms of one year each, two members shall be appointed for terms of two years each, and three members shall be appointed for terms of three years each. Thereafter, all terms shall be for three years. No member who has served a full three year term shall be reappointed;

(c) Chair. The chair of the committee shall be designated annually by the assistant provost. After the first year, any person appointed as chair shall have at least one year's prior experience as a member of the committee;

(d) Meetings. The review committee shall meet annually during the month of October. The chair shall preside. The executive director of the university for man and the community resource act program director at Kansas state university shall attend review committee meetings and provide such information and assistance as the committee deems necessary, but shall not have the power to vote;

(e) Duties. The committee shall review and evaluate applications for grants in aid from the community resource funds administered by the division of continuing education at Kansas state university; recommend revisions in applications submitted for such grants in aid to the community resource program director; and present to the assistant provost recommendations for funding of community resource programs; and

(f) Compensation. Review committee members shall serve without compensation. (Authorized by K.S.A. 74-5024, as amended by L. 1987, Ch. 305, Sec. 3(b); implementing L. 1987, Ch. 305, Sec. 1(a); effective, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

88-14-3. Applications for funding. In addition to the information required by K.S.A. 74-5026 and 74-5027, and amendments thereto, every application for a grant in aid shall contain such additional information as required on the ap-

plication form prescribed by the assistant provost. (Authorized by K.S.A. 74-5024, as amended by L. 1987, Ch. 305, Sec. 3(b); implementing K.S.A. 74-5026, as amended by L. 1987, Ch. 305, Sec. 5, and K.S.A. 74-5027, as amended by L. 1987, Ch. 305, Sec. 6; effective, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

88-14-4. Standards for approval of applications. Applications for grants in aid from community resource funds shall be reviewed, evaluated and approved or disapproved taking into consideration the following criteria as established by the assistant provost:

(a) Proper and timely submission of required information shall be important;

(b) County-wide proposals which will promote cooperation between cities shall be given preference;

(c) Proposals from communities with greater economic need, including those with high proportions of elderly, low income or minority residents, shall receive preference;

(d) Geographical balance throughout the state in distribution of funds shall be considered desirable; and

(e) Diversity in the types of organizations sponsoring community resource programs in the state shall be considered desirable. (Authorized by K.S.A. 74-5024, as amended by L. 1987, Ch. 305, Sec. 3(b); implementing K.S.A. 74-5026, as amended by L. 1987, Ch. 305, Sec. 5; effective, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

Article 15.—REGISTRATION OF COURSES OR PROGRAMS OFFERED IN KANSAS BY FOREIGN INSTITUTIONS OF POSTSECONDARY EDUCATION

88-15-1, 88-15-2. (Authorized by K.S.A. 74-3252, as amended by L. 1988, Ch. 298, Sec. 4; implementing K.S.A. 74-3251, as amended by L. 1988, Ch. 298, Sec. 3; effective, E-79-15, July 1, 1978; effective May 1, 1979; amended Dec. 19, 1988; revoked Oct. 20, 2006.)

Article 16.—AUTHORIZATION OF INSTITUTIONS OF POSTSECONDARY EDUCATION TO CONFER DEGREES

88-16-1. (Authorized by K.S.A. 74-3252, as amended by L. 1988, Ch. 298, Sec. 4; implementing K.S.A. 74-3250 as amended by L. 1988, Ch. 298, Sec. 2; effective May 1, 1979; amended

May 1, 1980; amended Dec. 19, 1988; revoked Oct. 20, 2006.)

88-16-1a. (Authorized by K.S.A. 74-3252, as amended by L. 1988, Ch. 298, § 4; implementing K.S.A. 74-3249, 74-3250, 74-3251, 74-3252, as amended by L. 1988, Ch. 298, § 1-6; effective May 1, 1980; amended May 1, 1986; amended Dec. 19, 1988; revoked, T-88-4-1-02, April 1, 2002; revoked July 26, 2002.)

88-16-1b. (Authorized by K.S.A. 74-3252; implementing K.S.A. 74-3249, 74-3250, 74-3251, 74-3252; effective, T-88-4-1-02, April 1, 2002; effective July 30, 2002; revoked Oct. 20, 2006.)

88-16-2. (Authorized by K.S.A. 74-3252, as amended by L. 1988, Ch. 298, Sec. 4; implementing K.S.A. 74-3250, as amended by L. 1988, Ch. 298, Sec. 2; effective May 1, 1979; amended May 1, 1980; amended Dec. 19, 1988; revoked Oct. 20, 2006.)

88-16-3 and 88-16-4. (Authorized by K.S.A. 1979 Supp. 74-3252; effective May 1, 1979; revoked May 1, 1980.)

88-16-5. (Authorized by K.S.A. 74-3252, as amended by L. 1988, Ch. 298, Sec. 4; implementing K.S.A. 74-3250, as amended by L. 1988, Ch. 298, Sec. 2; effective May 1, 1979; amended May 1, 1980; amended Dec. 19, 1988; revoked Oct. 20, 2006.)

88-16-5b. (Authorized by and implementing 2004 HB 2795, §§ 5 and 21; effective Dec. 3, 2004; revoked Oct. 20, 2006.)

88-16-6. (Authorized by K.S.A. 1979 Supp. 74-3252; effective May 1, 1979; amended May 1, 1980; revoked Oct. 20, 2006.)

88-16-7. (Authorized by K.S.A. 1979 Supp. 74-3252; effective May 1, 1979; revoked May 1, 1980.)

88-16-8. (Authorized by K.S.A. 1979 Supp. 74-3252; effective May 1, 1980; revoked Oct. 20, 2006.)

Article 17.—WAIVER OF FEES OR TUITION FOR SELECTED ROTC MEMBERS

88-17-1. Definition. “Kansas resident” shall mean a person who is determined to be a Kansas resident for fee purposes at the ROTC in-

stitution. (Authorized by K.S.A. 1979 Supp. 74-3256; effective May 1, 1980.)

88-17-2. Responsibilities of the state board of regents. (a) A common application form and service agreement form for students desiring to participate in the ROTC tuition waiver program shall be provided by the board of regents.

(b) The publicizing of the ROTC tuition waiver program, application procedures, and the distribution of the application and commitment forms to students through the ROTC institutions and the adjutant general’s office shall be coordinated by the board of regents.

(c) The performance requirements of ROTC participants in the tuition waiver program shall be audited by the board of regents. (Authorized by and implementing K.S.A. 74-3256; effective May 1, 1980; amended, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

88-17-3. Responsibilities of ROTC institutions. The ROTC institutions shall: (a) Make necessary arrangements for publicizing the ROTC tuition waiver program and for distribution of the application and commitment forms to interested students;

(b) establish procedures for the selection of students who shall be participants in the tuition waiver program;

(c) select annually, new students for participation in the program provided that there shall be no more than 40 students participating under the terms stipulated in K.S.A. 74-3256 in any academic year;

(d) submit annually to the board of regents a roster of students participating in the program indicating the amount of tuition that has been waived for each student; and

(e) notify the board of regents as to the failure of any participant in the program to maintain standards required for continued participation in the program while a student. (Authorized by and implementing K.S.A. 74-3256; effective May 1, 1980; amended, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

88-17-4. Responsibilities of the adjutant general. The office of the adjutant general shall: (a) Assist in the publicizing of the ROTC tuition waiver program through channels of communication available to the adjutant general’s office; and

(b) notify the board of regents as to the failure of any eligible participant in the program to accept a commission and to serve four years in the Kansas national guard. (Authorized by and implementing K.S.A. 74-3256; effective May 1, 1980; amended, T-88-51, Dec. 16, 1987; effective May 1, 1988.)

Article 18.—KANSAS HONORS PROGRAM

88-18-1. Definitions. (a) “Parent” means a guardian or any person who is legally responsible for the maintenance, care, or support of a dependent who is an applicant under this program.

(b) “Parent’s contribution” means the amount parents can reasonably be expected to contribute from their income and assets toward education costs for a dependent. This amount shall be determined based upon criteria approved by the board and established by the financial needs analysis agency selected by the board.

(c) “Independent student” means a student who demonstrates independence from a parent’s support to the satisfaction of the board. Documentation that will meet U.S. education department guidelines for an independent student may be required from the applicant, applicant’s parent or parents, or guardian to verify emancipation from the parent or parents.

(d) “Student contribution” means the amount a Kansas honors student can contribute from the student’s own work and resources toward education costs. This amount shall be determined based upon criteria approved by the board and established by the financial needs analysis agency selected by the board.

(e) “Student resources” means assets, earnings, income or benefits from other sources, and any grant or loan coming directly to the student from non-college sources, as defined by the U.S. department of education in 34 C.F.R. 674.14, effective February 2, 1988, which are hereby adopted by reference.

(f) “Family contribution” means the sum of parents’ contribution and student contribution. The family contribution shall be determined annually.

(g) “Tuition” means the amount of money charged a Kansas honors student for the cost of participating in an honors or gifted program for college credit. The amount of the tuition shall be set by the eligible institution of postsecondary education and shall be the same for the grantee and

non-grantee students who are in identical circumstances at the institution.

(h) “Required fees” means fees which are not optional for the student and which are considered by the board to be for educational purposes.

(i) “Program budget” means the total amount required for a student to attend the institution of postsecondary education of the student’s choice. The costs of tuition and required fees, room and board, supplies, and incidentals shall be included in the program budget. All amounts to be used for maintenance, supplies and incidentals shall be comparable for all eligible institutions.

(j) “Unmet need” means the financial need of a Kansas honors student less the amount of the student’s Kansas honors scholarship. (Authorized by L. 1988, Ch. 358, Sec. 4; implementing L. 1988, Ch. 358, Sec. 2-6; effective Dec. 19, 1988.)

88-18-2. Financial need analysis agency.

One nationally recognized financial needs analysis agency shall be selected by the board and shall, under contract with the board, determine the financial need of each eligible applicant. The criteria to be used by the board in its selection of an agency shall be service, cost, and convenience for Kansas students, the eligible institutions of postsecondary education and the board. (Authorized by L. 1988, Ch. 358, Sec. 4; implementing L. 1988, Ch. 358, Sec. 2-6; effective Dec. 19, 1988.)

88-18-3. Applicant eligibility.

Each applicant for a Kansas honors scholarship shall demonstrate to the executive director of the board or the executive director’s designee that the applicant: (a) Is a resident of the state of Kansas;

(b) has not graduated from high school;

(c) has been enrolled or accepted for enrollment in an honors or gifted program for college credit at a Kansas institution of postsecondary education;

(d) has not received a Kansas honors scholarship for more than two honors or gifted programs; and

(e) has financial need as determined by an analysis of information submitted on the current year’s American College Testing Service Family Financial Statement, which is hereby adopted as the board of regents’ family financial statement. (Authorized by K.S.A. 1990 Supp. 72-9704; implementing K.S.A. 1990 Supp. 72-9701 et seq.; effective Dec. 19, 1988; amended Dec. 14, 1992.)

88-18-4. Application eligibility.

Each ap-

plication shall be eligible for consideration only if it: (a) Is submitted by an eligible applicant;

(b) meets all deadlines of the board listed on the application; and

(c) includes all required documentation and information. (Authorized by L. 1988, Ch. 358, Sec. 6; implementing L. 1988, Ch. 358, Sec. 2-6; effective Dec. 19, 1988.)

88-18-5. Examination of income tax forms. Each individual whose financial data is required for a Kansas honors scholarship application shall certify in writing that copies of the individual's state or federal income tax returns will be released to the board upon request. If the request of the board is denied or if discrepancies are found between the application and the copy of the tax return, the application may be declared ineligible. (Authorized by L. 1988, Ch. 358, Sec. 6; implementing L. 1988, Ch. 358, Sec. 2-6; effective Dec. 19, 1988.)

88-18-6. Confidentiality of information. All information received from applicants and parents shall remain confidential and shall be released only in anonymous statistical groupings, except as provided in K.A.R. 88-18-5. (Authorized by L. 1988, Ch. 358, Sec. 6; implementing L. 1988, Ch. 358, Sec. 2-6; K.S.A. 1987 Supp. 45-221(a)(17); effective Dec. 19, 1988.)

88-18-7. Available funds. If available funds are insufficient to fully fund all eligible applicants, awards may be pro-rated by the board of regents on a percentage basis to each eligible applicant. (Authorized by and implementing L. 1988, Ch. 358, Sec. 4; effective Dec. 19, 1988.)

88-18-8. College certification. Upon the enrollment of recipients of Kansas honors scholarships, each eligible institution of postsecondary education shall certify to the executive director of the board of regents or the executive director's designee that each recipient: (a) Is a resident of the state of Kansas according to K.S.A. 76-729(a) and applicable administrative regulations of the board of regents relating to residency determinations;

(b) is enrolled or has been accepted for enrollment in an honors or gifted program;

(c) is attending the honors or gifted program; and

(d) meets all the guidelines for assistance as specified by the board of regents. (Authorized by K.S.A. 1990 Supp. 72-9704; implementing K.S.A.

1990 Supp. 72-9702 et seq.; effective Dec. 19, 1988; amended Dec. 14, 1992.)

Article 19.—KANSAS RHODES SCHOLARSHIP PROGRAM

88-19-1. Definitions. (a) "Tuition" means the amount of money charged a full-time graduate student for the cost of educational services for one of the two principal terms in the academic year. The amount of the tuition shall be set by the state educational institution and approved by the board of regents.

(b) "Required fees" means fees which are not optional for the full-time graduate student and which are considered by the board to be for educational purposes.

(c) "Specified degree program" means a degree program which leads to the award of a masters or doctoral degree. (Authorized by L. 1988, Ch. 357, Sec. 6; implementing L. 1988, Ch. 357, Sec. 2-6; effective Dec. 19, 1988.)

88-19-2. Applicant eligibility. To be eligible for a Kansas-Rhodes scholarship, a person shall demonstrate to the executive director of the board of regents or the executive director's designee that the person: (a) Is a resident of the state of Kansas;

(b) has been designated as a Rhodes scholar;

(c) has successfully completed the academic work funded by the Rhodes scholarship;

(d) meets the requirements for admission to and will enroll as a full-time student in a specified degree program at a state educational institution;

(e) will not be receiving the full amount of tuition and required fees under any federal program of student assistance; and

(f) will report promptly to the board of regents any information requested relating to the Kansas-Rhodes scholarship program. (Authorized by and implementing K.S.A. 1990 Supp. 74-3283; effective Dec. 19, 1988; amended Dec. 14, 1992.)

88-19-3. Applications. (a) Written information and application materials for the Kansas-Rhodes scholarship program shall be made available by the executive director of the board of regents or the executive director's designee.

(b) Each application for a Kansas-Rhodes scholarship shall be completed and submitted to the board of regents no later than the 1st of June preceding the school year for which the scholarship is sought. (Authorized by L. 1988, Ch. 357,

Sec. 6; implementing L. 1988, Ch. 357, Sec. 5; effective Dec. 19, 1988.)

88-19-4. Institutional certification. Upon the enrollment of a recipient of a Kansas-Rhodes scholarship, each state educational institution shall certify to the executive director of the board of regents or the executive director's designee: (a) That the recipient of the Kansas-Rhodes scholarship is a resident of the state of Kansas according to K.S.A. 76-729(a) and applicable administrative regulations of the board of regents relating to residency determinations;

(b) that the recipient of the Kansas-Rhodes scholarship is enrolled as a full-time student in a specified degree program;

(c) the amount of tuition and required fees to be paid by the recipient for each semester of attendance; and

(d) that the recipient of a Kansas-Rhodes scholarship has completed some of the requirements of a specified degree program, has performed satisfactorily according to the academic policies of the state educational institution, is a student in good standing and is continuing to make satisfactory academic progress. (Authorized by K.S.A. 1990 Supp. 74-3283; implementing K.S.A. 1990 Supp. 74-3281 and 74-3282; effective Dec. 19, 1988; amended Dec. 14, 1992.)

Article 20.—KANSAS NURSING STUDENT SCHOLARSHIP PROGRAM

88-20-1. Definitions. (a) "Parent" means a guardian or any person who is legally responsible for the maintenance, care, or support of a dependent who is an applicant under this program.

(b) "Parent's contribution" means the amount parents can reasonably be expected to contribute from their income and assets toward education costs for a dependent. This amount shall be determined based upon criteria approved by the board and established by the financial needs analysis agency selected by the board.

(c) "Independent student" means a student who demonstrates independence from a parent's support to the satisfaction of the board. Documentation that will meet U.S. department of education guidelines for an independent student may be required from the applicant, applicant's parent or parents, or guardian to verify emancipation from the parent or parents.

(d) "Student contribution" means the amount a student can contribute from the student's own

work and resources toward a year's college education costs. This amount shall be determined based upon criteria approved by the board and established by the financial needs analysis agency selected by the board. The student contribution shall not be less than \$450.

(e) "Student resources" means assets, earnings, income or benefits from other sources, and any grant or loan coming directly to the student from non-college sources, as defined by the U.S. department of education in 34 C.F.R. 674.14, effective February 2, 1988, which is hereby adopted by reference.

(f) "Family contribution" means the sum of parents' contribution and student contribution.

(g) "Licensed professional nurse" means a person who is licensed to practice professional nursing as defined in K.S.A. 65-1113(d)(1).

(h) "Registered professional nurse" means a person who is licensed to practice professional nursing as defined in K.S.A. 65-1113(d)(1).

(i) "Licensed practical nurse" means a person who is licensed to practice practical nursing as defined in K.S.A. 1113(d)(2).

(j) "Minority applicant" means an applicant for a nursing student scholarship who is categorized as: (1) American Indian or Alaskan Native; (2) Asian or Pacific Islander; (3) Black, non-Hispanic; or (4) Hispanic.

(k) "American Indian or Alaskan Native" means a person having origins in any of the original peoples of North America and who maintains cultural identification through tribal affiliation or community recognition.

(l) "Asian or Pacific Islander" means a person having origins in any of the original peoples of the far east, southeast Asia, the Indian subcontinent, or Pacific islands. This includes, but not by way of limitation, persons from China, Japan, Korea, the Philippine Islands, Samoa, India and Vietnam.

(m) "Black, non-Hispanic" means a person having origins in any of the black racial groups of Africa (except those of Hispanic origin).

(n) "Hispanic" means a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.

(o) "Full-time student" means a student who is taking an academic course load of a minimum of 12 semester credit hours or the academic equivalent thereof.

(p) "Full-time employment" means an employment arrangement sufficient to permit an in-

dividual to be considered as a full-time employee of the sponsor and which requires a minimum of 1,500 hours of work per year.

(q) "Board of regents" or "board" means the state board of regents provided for in the constitution of this state.

(r) "Qualified sponsor" means any adult care home licensed under the adult care home licensure act, any medical care facility licensed under K.S.A. 65-425 *et seq.* and amendments thereto, any psychiatric hospital licensed under K.S.A. 75-3307(b) and amendments thereto and any state agency which employs licensed practical nurses or licensed professional nurses which has entered into an agreement pursuant to K.A.R. 88-20-5. (Authorized by L. 1989, Ch. 223, Sec. 7; implementing L. 1989, Ch. 223, Sec. 1-7; effective March 19, 1990.)

88-20-2. Scholarship amount. An annual scholarship not to exceed \$3,500.00 will be awarded to each qualified recipient enrolled in a course of instruction leading to licensure as a licensed practical nurse or licensure as a registered professional nurse. On or before July 1 of each year, scholarship amounts for the following fiscal year will be published by the executive officer of the board or the executive officer's designee. (Authorized by L. 1989, Ch. 223, Sec. 7; implementing L. 1989, Ch. 223, Sec. 3; effective March 19, 1990.)

88-20-3. Applicant eligibility. Each applicant for a Kansas nursing scholarship shall demonstrate to the executive officer of the board or the executive officer's designee that the applicant:

- (a) Is a resident of the state of Kansas;

- (b) has entered into an agreement with a qualified sponsor;

- (c) has entered into an agreement with the board; and

- (d) is currently enrolled in or has been admitted as a full-time student to a school of nursing in a course of instruction leading to licensure as a licensed professional nurse or licensed practical nurse. (Authorized by K.S.A. 1990 Supp. 74-3297; implementing K.S.A. 1990 Supp. 74-3294; effective March 19, 1990; amended Dec. 14, 1992.)

88-20-4. Application eligibility. Each application shall be eligible for consideration only if it:

- (a) Is submitted by an eligible applicant;

- (b) meets all deadlines of the board listed on the application; and

- (c) includes all required documentation and information. Only one application will be accepted from each eligible student. (Authorized by L. 1989, Ch. 223, Sec. 7; implementing L. 1989, Ch. 223, Sec. 1-7; effective March 19, 1990.)

88-20-5. Sponsor agreement. Each agreement between a sponsor and the recipient of a Kansas nursing student scholarship shall:

- (a) Be consistent with the requirements of the Kansas nursing student scholarship program;

- (b) require the scholarship recipient to exhaust institutional policies for degree completion in an effort to satisfy the requirements for graduation from a school of nursing;

- (c) require the scholarship recipient to take the Kansas nursing board examination for licensure a minimum of three consecutive times in an effort to successfully complete the examination and satisfy all requirements for a permanent license to practice nursing in Kansas;

- (d) require one year of full-time employment by the scholarship recipient as a condition to the receipt of each annual scholarship award;

- (e) permit the scholarship recipient to use up to one year of full-time employment in an unlicensed job classification performed for sponsor while the scholarship recipient is seeking to meet the qualifications for nursing licensure as credit in meeting employment responsibilities;

- (f) provide that the agreement between the sponsor and the scholarship recipient will be renewed on an annual basis for qualified recipients until satisfaction of the requirements for graduation from a school of nursing; and

- (g) provide that upon the failure of the scholarship recipient to engage in the full-time practice of nursing in Kansas for the required period of time, repayment of assistance may be in installment payments sufficient to allow full repayment within 5 years. (Authorized by L. 1989, Ch. 223, Sec. 7; implementing L. 1989, Ch. 223, Sec. 6-7; effective March 19, 1990.)

88-20-6. Examination of income tax forms. Each individual whose financial data is required for a Kansas nursing student scholarship shall certify in writing that the individual will release copies of the individual's state or federal income tax returns to the executive officer of the board or the executive officer's designee upon request. If the request is denied or if discrepancies are found between the application and the copy of the tax return, the application may be declared

ineligible. (Authorized by L. 1989, Ch. 223, Sec. 7; implementing L. 1989, Ch. 223, Sec. 1-7; effective March 19, 1990.)

88-20-7. Confidentiality of information.

All financial information received from each applicant, parent, or spouse shall remain confidential and shall be released only in anonymous statistical groupings, except as provided in 88-20-6. (Authorized by L. 1989, Ch. 223, Sec. 7; implementing L. 1989, Ch. 223, Sec. 1-7; effective March 19, 1990.)

88-20-8. Available funds. If available funds are insufficient to fully fund all eligible applicants, awards may be pro-rated by the executive officer of the board or the executive officer's designee on a percentage basis to each eligible applicant. (Authorized by L. 1989, Ch. 223, Sec. 7; implementing L. 1989, Ch. 223, Sec. 1-7; effective March 19, 1990.)

88-20-9. College certification. Upon the enrollment of recipients of Kansas nursing student scholarships, each eligible institution of post-secondary education shall certify to the executive officer of the board of regents or the executive officer's designee that each recipient: (a) Is a resident of the state of Kansas according to K.S.A. 76-729(a) and applicable administrative regulations of the board of regents relating to residency determinations;

(b) is enrolled or has been accepted for enrollment as a full-time student in a nursing program;

(c) is attending the nursing program; and

(d) meets all the guidelines for assistance as specified by the board of regents. (Authorized by K.S.A. 1990 Supp. 74-3297; implementing K.S.A. 1990 Supp. 74-3291 et seq.; effective March 19, 1990; amended Dec. 14, 1992.)

88-20-10. Grant offer. Each grantee shall notify the board before the deadline listed on the grant offer letter as to whether the grantee will accept the grant for the full academic year or a portion thereof. If this information is not received from the applicant by the deadline, the board may withdraw the original grant offer. (Authorized by L. 1989, Ch. 223, Sec. 7; implementing L. 1989, Ch. 223, Sec. 1-7; effective March 19, 1990.)

88-20-11. Financial needs analysis agency. The board shall contract with one nationally recognized financial needs analysis agency which shall determine the financial need of each eligible

applicant. The criteria to be used by the board in its selection of an agency shall be service, cost, and convenience for Kansas students, the eligible postsecondary institutions and the board. (Authorized by L. 1989, Ch. 223, Sec. 7; implementing L. 1989, Ch. 223, Sec. 1-7; effective March 19, 1990.)

Article 21.—KANSAS ETHNIC MINORITY SCHOLARSHIP PROGRAM

88-21-1. Definitions. (a) "Parent" means a guardian or any person who is legally responsible for the maintenance, care, or support of a dependent who is an applicant under this program.

(b) "Parent's contribution" means the amount parents can reasonably be expected to contribute from their income and assets toward education costs for a dependent. This amount shall be determined based upon criteria approved by the board and established by the financial needs analysis agency selected by the board.

(c) "Independent student" means a student who demonstrates independence from a parent's support to the satisfaction of the board. Documentation that will meet U.S. department of education guidelines for an independent student may be required from the applicant, applicant's parent or parents, or guardian to verify emancipation from the parent or parents.

(d) "Student contribution" means the amount a student can contribute from the student's own work and resources toward a year's college education costs. This amount shall be determined based upon criteria approved by the board and established by the financial needs analysis agency selected by the board. The student contribution shall not be less than \$450.

(e) "Student resources" means assets, earnings, income or benefits from other sources, and any grant or loan coming directly to the student from non-college sources, as defined by the U.S. department of education in 34 C.F.R. 674.14, effective February 2, 1988, which is hereby adopted by reference.

(f) "Family contribution" means the sum of parents' contribution and student contribution.

(g) "Full-time enrollment" means a course load of a minimum of 12 semester credit hours.

(h) "Board of regents" or "board" means the state board of regents provided for in the constitution of this state.

(i) "Kansas ethnic minority scholarship offer"

means the annual amount offered to an ethnic minority scholar under this program, rounded to the nearest \$10. Each ethnic minority scholarship offer shall be the lesser of the following amounts:

- (1) \$1,500;
- (2) the financial need of the ethnic minority scholar; or
- (3) the pro-rata amount determined by the board. (Authorized by L. 1989, Ch. 224, Sec. 4; implementing L. 1989, Ch. 224, Sec. 1-6; effective Feb. 12, 1990.)

88-21-2. Ethnic minority scholar selection. The board shall select ethnic minority scholars according to criteria of scholastic ability set forth in K.A.R. 88-21-3(e). (Authorized by L. 1989, Ch. 224, Sec. 4; implementing L. 1989, Ch. 224, Sec. 2; effective Feb. 12, 1990.)

88-21-3. Applicant eligibility. To be eligible for an ethnic minority scholarship offer, each applicant shall demonstrate to the executive director of the board that the applicant: (a) Is a resident of the state of Kansas;

- (b) is a member of an ethnic minority group;
- (c) is initially accepted or enrolled at an eligible Kansas post-secondary institution;
- (d) is an undergraduate who has never received a baccalaureate degree;
- (e) has demonstrated scholastic ability through achievement of any one or more of the following:
 - (1) recognition by the national merit scholarship corporation as a finalist, semi-finalist, national achievement finalist, Hispanic scholar, or commended scholar;
 - (2) high school grade point average of 3.0 or higher, on a scale where an A equals 4.00, in the board of regents recommended high school curriculum;
 - (3) competitive performance on the ACT assessment;
 - (4) competitive performance on the SAT; or
 - (5) rank in upper one-third of high school graduating class;
- (f) having received a Kansas ethnic minority scholarship and having completed the initial enrollment at an eligible post-secondary educational institution, has attained the academic standard of a cumulative 2.0 grade average for all post-secondary academic terms or semesters. The average shall be calculated on a 4.0 scale where an A equals four points;
- (g) has financial need as determined by an analysis of information submitted on the current

year's American College Testing Service Family Financial Statement, which is hereby adopted as the board's family financial statement;

(h) having received federal financial assistance, does not owe a refund on any federal financial assistance and is not in default on any such federal financial assistance; and

(i) has otherwise complied with the requirements of 34 C.F.R. 692.40(b), effective February 2, 1988, which is hereby adopted by reference. (Authorized by K.S.A. 1990 Supp. 74-3287; implementing K.S.A. 1990 Supp. 74-3285; effective Feb. 12, 1990; amended Dec. 14, 1992.)

88-21-4. Application eligibility. Each application shall be eligible for consideration only if it: (a) Is submitted by an eligible applicant;

(b) meets all deadlines of the board listed on the application; and

(c) includes all required documentation and information. Only one application will be accepted from each eligible student. (Authorized by L. 1989, Ch. 224, Sec. 4; implementing L. 1989, Ch. 224, Sec. 4, 5; effective Feb. 12, 1990.)

88-21-5. Examination of income tax forms. Each individual whose financial data is required for a Kansas ethnic minority scholarship shall certify in writing that the individual will release copies of the individual's state or federal income tax returns to the executive officer of the board or the executive officer's designee upon request. If the request is denied or if discrepancies are found between the application and the copy of the tax return, the application may be declared ineligible. (Authorized by L. 1989, Ch. 224, Sec. 4; implementing L. 1989, Ch. 224, Sec. 4, 5; effective Feb. 12, 1990.)

88-21-6. Confidentiality of information. All financial information received from each applicant, parent, or spouse shall remain confidential and shall be released only in anonymous statistical groupings, except as provided in 88-21-5. (Authorized by L. 1989, Ch. 224, Sec. 4; implementing L. 1989, Ch. 224, Sec. 4, 5; effective Feb. 12, 1990.)

88-21-7. Available funds. If available funds are insufficient to fully fund all eligible applicants, awards may be pro-rated by the executive officer of the board or the executive officer's designee on a percentage basis to each eligible applicant. (Authorized by L. 1989, Ch. 224, Sec. 4;

implementing L. 1989, Ch. 224, Sec. 4; effective Feb. 12, 1990.)

88-21-8. College certification. Upon the enrollment of Kansas ethnic minority scholarship recipients, each eligible post-secondary institution shall certify to the board that each recipient attending its institution: (a) Is a resident of the state of Kansas according to K.S.A. 76-729(a) and applicable administrative regulations of the board of regents relating to residency determinations;

(b) is not receiving more financial aid than the recipient's demonstrated need;

(c) is a full-time undergraduate student in good standing who is responsible for paying full tuition and required fees;

(d) has met the Kansas ethnic minority scholarship academic standard of a cumulative 2.0 grade point average for recipients participating in the Kansas ethnic minority scholarship program;

(e) has, if selected for verification, satisfactorily completed the institution's verification process as provided in 34 C.F.R. 668.51-668.58, effective April 29, 1986, which is hereby adopted by reference;

(f) for an independent grantee, that the grantee meets the U.S. department of education guidelines for an independent student as provided in 34 C.F.R. 668.2, effective February 2, 1988, which is hereby adopted by reference, and as verified by the institution; and

(g) where applicable, is in compliance with the eligibility requirements of 34 C.F.R. 692.40, effective February 2, 1988, which is hereby adopted by reference. (Authorized by and implementing K.S.A. 1990 Supp. 74-3285; effective Feb. 12, 1990; amended Dec. 14, 1992.)

88-21-9. Scholarship offer. Each recipient shall notify the board before the deadline listed on the scholarship offer letter as to whether the student will accept the scholarship for the full academic year or a portion thereof. If this information is not received from the applicant by the deadline, the board may withdraw the original scholarship offer. (Authorized by L. 1989, Ch. 224, Sec. 4; implementing L. 1989, Ch. 224, Sec. 4, 5; effective Feb. 12, 1990.)

88-21-10. Financial needs analysis agency. The board shall contract with one nationally recognized financial needs analysis agency which shall determine the financial need of each eligible applicant. The criteria to be used by the board in

its selection of an agency shall be service, cost, and convenience for Kansas students, the eligible post-secondary institutions and the board. (Authorized by L. 1989, Ch. 224, Sec. 4; implementing L. 1989, Ch. 224, Sec. 1; effective Feb. 12, 1990.)

Article 22.—KANSAS TEACHER SCHOLARSHIP PROGRAM

88-22-1. Definitions. (a) "Course of instruction" means the program of study established by a school which leads to eligibility for certification in a hard-to-fill teaching discipline.

(b) "Full time student" means a student who is taking an academic course load of a minimum of 12 semester credit hours.

(c) "Board of regents" or "board" means the state board of regents provided for in the constitution of this state.

(d) "Ethnic minority group" shall be defined as it is in K.S.A. 1991 Supp. 74-3284(e)-(i).

(e) "Student budget" means one of several budgets used by an institution to package financial assistance awards. (Authorized by K.S.A. 1991 Supp. 74-32,106; implementing K.S.A. 1991 Supp. 74-32,100 *et seq.*; effective March 8, 1993.)

88-22-2. Applicant eligibility, qualified students. (a) To be designated a teacher scholar by the executive officer of the board, each applicant shall demonstrate to the executive officer that the applicant: (1) Is a resident of the state of Kansas;

(2) has been accepted for admission to or is enrolled full-time in a course of instruction leading to certification in a hard-to-fill teaching discipline as identified by the state board of education; and

(3) has demonstrated scholastic ability which shall be determined on a combination of the following:

(A) High ACT or SAT score;

(B) rank in high school graduation class;

(C) cumulative high school or college grade point average;

(D) completion of the regents recommended secondary school curriculum;

(E) any other indicator of scholastic ability such as participation in academic competitions or activities; and

(F) for applicants who are unable to provide adequate high school information, written recommendation of a counselor who can attest to the

applicant's scholastic achievement and potential for successful completion of a course of instruction leading to certification in a hard-to-fill teaching discipline.

(b) Each applicant shall enter an agreement with the executive officer pursuant to K.A.R. 88-22-8.

(c) To the extent practicable and consistent with qualification factors, members of ethnic minority groups shall be identified and considered. (Authorized by K.S.A. 1991 Supp. 74-32,106; implementing K.S.A. 1991 Supp. 74-32,102, 74-32,103; effective March 8, 1993.)

88-22-3. Application eligibility. Only one application will be accepted from each eligible student. Each application shall be eligible for consideration only if it: (a) Is submitted by an eligible applicant;

(b) meets all deadlines listed on the application; and

(c) includes all required documentation and information. (Authorized by and implementing K.S.A. 1991 Supp. 74-32,106; effective March 8, 1993.)

88-22-4. Eligibility for renewal. Each applicant for renewal shall demonstrate to the executive officer that he or she remains qualified for the scholarship in accordance with K.S.A. 1991 Supp. 74-32,102, as amended. (Authorized by and implementing K.S.A. 1991 Supp. 74-32,106; effective March 8, 1993.)

88-22-5. Confidentiality of information. All financial information received from each applicant, parent or spouse shall remain confidential and shall be released only with permission of the applicant or in anonymous statistical groupings, except that this section does not preclude communication with any other entity authorized by the applicant to receive the applicant's state financial aid application or other federally approved financial aid report. (Authorized by and implementing K.S.A. 1991 Supp. 74-32,106; effective March 8, 1993.)

88-22-6. Available funds. If available funds are insufficient to fully fund all eligible applicants, fewer new awards shall be made. (Authorized by K.S.A. 1991 Supp. 74-32,106; implementing K.S.A. 1991 Supp. 74-32,100 *et seq.*; effective March 8, 1993.)

88-22-7. College certification. Upon the

enrollment of an applicant for a teacher scholarship, each eligible post-secondary institution shall certify to the board that each recipient attending its institution: (a) Is a resident of the state of Kansas according to K.S.A. 76-729(a) and applicable administrative regulations of the board of regents relating to residency determinations;

(b) is enrolled full-time in a course of instruction leading to certification in a hard-to-fill teaching discipline;

(c) has demonstrated scholastic ability or has previously demonstrated scholastic ability and remains qualified by maintaining good standing and making satisfactory progress, as defined by the institution, toward completion of requirements of the course of instruction in which enrolled; and

(d) the scholarship, in combination with other student financial assistance, does not exceed the institution's applicable student budget. (Authorized by and implementing K.S.A. 1991 Supp. 74-32,106; effective March 8, 1993.)

88-22-8. Agreement. A student who has been designated a teacher scholar by the executive officer shall enter into an agreement with the executive officer which requires the applicant to: (a) Complete the required course of instruction leading to certification in a hard-to-fill teaching discipline;

(b) engage in teaching in a hard-to-fill teaching discipline in Kansas;

(c) commence teaching in a hard-to-fill teaching discipline in Kansas in an accredited public or private elementary or secondary school no later than the beginning of the term immediately following certification and continue teaching for a period of not less than the length of the course of instruction for which the scholarship was awarded;

(d) maintain records and make reports as required by the executive officer to document the satisfaction of the obligations under these regulations; and

(e) repay amounts to the state as required by K.S.A. 1991 Supp. 74-32,104, and amendments thereto, upon failure to satisfy an agreement to engage in teaching in a hard-to-fill discipline for the required period of time, in the manner set forth in K.A.R. 88-22-11. (Authorized by K.S.A. 1991 Supp. 74-32,106; implementing K.S.A. 1991 Supp. 74-32,103, 74-32,104; effective March 8, 1993.)

88-22-9. Amount of award, number

available. A designated scholar shall be awarded a scholarship in the amount of \$5,000 per academic year. No more than four awards shall be made for undergraduate study, except that a qualified student enrolled full time in a course of instruction leading to institutional certification in hard-to-fill teaching discipline, for which graduate study is required, may be awarded a scholarship for the duration of the course of instruction. (Authorized by K.S.A. 1991 Supp. 74-32,106; implementing K.S.A. 1991 Supp. 74-32,102, 74-32,103; effective March 8, 1993.)

88-22-10. Failure to satisfy obligations; repayment; interest. A failure to satisfy the obligation occurs when a scholarship recipient does not fulfill an obligation assumed under the teacher scholarship agreement and when that recipient does not meet the circumstances set out in K.S.A. 74-32,105(a) for postponement, or the circumstances set out in K.S.A. 74-32,105(b) for satisfaction. Such a failure invokes an obligation to repay. Repayment shall occur in the following manner. (a) Payments shall be made to the executive officer.

(b) The amount owed shall be equal to the amount of scholarship funds received in addition to interest at the rate of fifteen percent annually.

(c) If the recipient has a total obligation to teach for more than one year, and he or she teaches for one school year, or two semesters, the first agreement will be the first discharged.

(d) Teaching for time periods of less than one school year, or less than two semesters, will not reduce the time the recipient is obligated to teach.

(e) Teaching part-time, including substitute teaching arrangements, in a hard-to-fill discipline may satisfy the agreement on a proportional basis.

(f) Repayment may be by installment pursuant to the terms of the agreement and under the following conditions.

(1) The first installment shall be due six months after the date of the action or circumstance which causes the failure of the recipient to satisfy an obligation, as determined by the executive officer based upon the circumstances of each individual case.

(2) A payment schedule shall be provided by the executive officer which specifies payments adequate to repay the total of all scholarship funds received plus statutory interest within five years. (Authorized by K.S.A. 1991 Supp. 74-32,106; im-

plementing K.S.A. 1991 Supp. 74-32,104, 74-32,105; effective March 8, 1993.)

Article 23.—PROPRIETARY SCHOOLS

88-23-1. (Authorized by and implementing K.S.A. 1998 Supp. 72-4921; effective Jan. 28, 2000; revoked Oct. 20, 2006.)

88-23-2. (Authorized by K.S.A. 72-4921; implementing K.S.A. 72-4925, 72-4926; effective Jan. 28, 2000; amended March 19, 2004; revoked Oct. 20, 2006.)

88-23-2a. (Authorized by K.S.A. 72-4921; implementing K.S.A. 72-4925, 72-4926; effective March 19, 2004; revoked Oct. 20, 2006.)

88-23-3. (Authorized by K.S.A. 1998 Supp. 72-4921; implementing K.S.A. 1998 Supp. 72-4925, 72-4926; effective Jan. 28, 2000; revoked March 19, 2004.)

88-23-3a. (Authorized by K.S.A. 72-4921; implementing K.S.A. 72-4925, 72-4926, 72-4929, and 72-4932; effective March 19, 2004; revoked Oct. 20, 2006.)

88-23-4. (Authorized by K.S.A. 1998 Supp. 72-4921; implementing K.S.A. 1998 Supp. 72-4931; effective Jan. 28, 2000; revoked Oct. 20, 2006.)

88-23-5. (Authorized by K.S.A. 1998 Supp. 72-4921; implementing K.S.A. 1998 Supp. 72-4920; effective Jan. 28, 2000; revoked Oct. 20, 2006.)

88-23-6. (Authorized by K.S.A. 1998 Supp. 72-4921; implementing K.S.A. 1998 Supp. 72-4932; effective Jan. 28, 2000; revoked Oct. 20, 2006.)

88-23-7. (Authorized by and implementing K.S.A. 72-4938, as amended by 2003 HB 2009, § 2; effective Oct. 17, 2003; revoked Oct. 20, 2006.)

Article 24.—GENERAL EDUCATION DEVELOPMENT (GED) TEST

88-24-1. Eligibility to take GED test. (a) Each applicant to take the general education development (GED) test shall meet the following requirements:

(1) Be a Kansas resident at the time of submitting the application;

(2) be neither currently enrolled at nor graduated from an accredited public, private, denomi-

national, or parochial high school in the United States or Canada; and

(3) be 16 years of age or older.

(b) In addition to meeting the requirements specified in subsection (a), each applicant who is 16 or 17 years old shall meet the following requirements:

(1) Provide one of the following:

(A) Written permission from a parent or legal guardian; or

(B) written proof of legal emancipation; and

(2) provide proof of meeting one of the following requirements:

(A) Have participated in a final counseling session conducted by the school district where the applicant currently resides and signed a disclaimer pursuant to K.S.A. 72-1111(b)(2), and amendments thereto;

(B) have disenrolled from an alternative education program approved by a Kansas unified school district;

(C) have graduated or disenrolled from a program of instruction approved by the state board of education pursuant to K.S.A. 72-1111(f), and amendments thereto; or

(D) be exempt from compulsory attendance pursuant to a court order. (Authorized by and implementing K.S.A. 2006 Supp. 72-4530; effective Oct. 18, 2002; amended July 27, 2007.)

88-24-2. Test score requirements. Each applicant who meets the test score requirements shall be issued a Kansas state high school diploma. The test score requirements shall be a minimum standard score of 420 on each test in the battery and an average standard score of at least 450 on the tests in the battery. (Authorized by and implementing K.S.A. 2006 Supp. 72-4530; effective Oct. 18, 2002; amended July 27, 2007.)

Article 25.—RESERVED

Article 26.—COMMUNITY COLLEGES

88-26-1. Definitions. (a) “Board staff” means the designees of the president and chief executive officer of the Kansas board of regents.

(b) “Course of study” and “program” mean a curriculum, the completion of which qualifies a student to receive a degree or a career or technical certificate or to engage in a particular field of employment.

(c) “Distance education course” means any course delivered primarily by correspondence

study; audio, video, or computer technology; or any combination of these.

(d) “Out-district course” means any class offered by a community college for credit at a location outside the community college district in which the community college is located.

(e) “Out-district student” means a student who is a resident of Kansas but who resides outside of a community college district, except as otherwise provided in K.S.A. 71-305 and K.S.A. 71-401, and amendments thereto.

(f) “Out-of-state or foreign student” means a student who is not a resident of the state of Kansas.

(g) “President and chief executive officer” means the chief executive officer as described in K.S.A. 74-3203a, and amendments thereto.

(h) “Release of out-district funds form” means the form prescribed by and available from the state board that relates to the payment of out-district tuition.

(i) “Satisfactory progress” has the meanings specified in 34 C.F.R. 668.34(b), (c), and (d), as in effect on October 18, 2002 and hereby adopted by reference.

(j) “State board” means the Kansas board of regents. (Authorized by and implementing K.S.A. 71-201, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-2. Accreditation. (a) Accreditation by the higher learning commission of the north central association of colleges and schools shall be presumptive evidence that the criteria specified in subsection (b) are met.

(b) To be approved by the board for purposes of state aid entitlement pursuant to K.S.A. 71-802 and amendments thereto, each community college shall be required to meet the following minimum standards:

(1) The curriculum reasonably and adequately ensures achievement of the stated objectives for which the curriculum is offered.

(2) The faculty members hold the credentials appropriate to the academic program offered as follows:

(A) Except as stipulated in paragraphs (b)(2)(B) and (D), the minimum academic credential held is at least one academic degree higher than the degree level of the courses that the faculty member is teaching.

(B) Faculty members not meeting the standard specified in paragraph (b)(2)(A) possess special

competence in their field of knowledge, as measured by accomplishments that may include scholarship, advanced study, creative activities, and relevant professional experience, training, and credentials, including licensure and professional registration.

(C) At least two-thirds of the faculty have earned a baccalaureate or graduate degree from an accredited institution.

(D) Each faculty member teaching a general education course holds a minimum of a graduate degree, including 18 semester hours of graduate coursework related to the discipline of the course being taught.

(3) The student services, apart from the formal instructional experience of the classroom and laboratory, are adequate to meet the institution's stated objectives and include health services, financial aid programs, employment placement programs, advising and counseling programs, which meet both of the following conditions:

(A) The services and programs are readily available and evaluated periodically to determine their overall effectiveness.

(B) The extent of the services provided by the institution and any associated cost to the student are stated in the catalog and other appropriate publications.

(4) The facilities are free from hazards and support learning environments appropriate for the curriculum.

(5) The financial resources of the institution are sufficient for the institution to reasonably and adequately meet its stated objectives and to continue to do so in the foreseeable future.

(6) The planning processes allow the institution to enhance its strengths and minimize its weaknesses in the face of a changing environment.

(7) The governance structure is consistent with the institution's stated objectives and provides for the following:

(A) The governing board ensures that the establishment and the review of policies are based upon sound knowledge.

(B) The governing board's decision making is free from undue influence of governmental bodies, the institution's supporting bodies, including booster clubs and alumni associations, and the institution's employees.

(C) All constituents have an appropriate voice in decision making, and their concerns are taken into consideration in the decision-making process.

(D) Academic freedom of both students and

faculty members is upheld to the extent permitted by law and the board of regents' policy.

(8) The institution demonstrates integrity in the relationship with its internal and external constituents.

(A) Due process is recognized in the institutional operations.

(B) The institution's practices are consistent with its published procedures.

(C) The institution accurately portrays its practices, services, and programs.

(D) The institution meets all applicable federal and state requirements.

(c) The loss of accreditation by the community college shall be presumptive evidence that the community college fails to adhere to the minimum standards set by the board. Each community college that loses its accreditation shall be subject to the loss of state aid entitlement, pursuant to K.S.A. 71-802 and amendments thereto, unless the community college demonstrates that it meets the minimum standards specified in subsection (b). (Authorized by and implementing K.S.A. 71-201, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-3. Admissions. To be eligible for admission to any community college, each applicant shall be required to meet one of the following criteria:

(a) Be a graduate of an accredited high school or a recipient of a general educational development (GED) diploma;

(b)(1) Be enrolled in the eleventh or twelfth grade in either an accredited or non-accredited high school, or be currently homeschooled at the eleventh-grade or twelfth-grade level; and

(2) have an ACT or SAT score at or above the national average, or have a cumulative high school GPA of 3.0 or above;

(c) be a high school student who meets the following requirements:

(1) Has completed 10 units of credit from an accredited high school or is currently being homeschooled at the eleventh-grade or twelfth-grade level;

(2) has obtained a written recommendation from the high school principal for enrollment in an approved technical program, unless the person is currently being homeschooled;

(3) has passed an "ability-to-benefit test" approved by the U.S. department of education; and

(4) will attend a technical program offered in a community college; or

(d)(1) Be 18 years of age or older;

(2) not be a graduate of a state-accredited high school; and

(3) have been determined by the community college, after evaluating the person's educational credentials, to be able to benefit from the courses in which the person wishes to enroll. (Authorized by and implementing K.S.A. 71-201, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-4. Credit. (a) Transfer credit. Each community college shall accept credits from all courses and programs that are substantially equivalent to those offered at the community college, as determined by the community college accepting the credits. Any community college accepting transfer credit may evaluate the applicability of the credit towards meeting the graduation requirements. Any community college may award credit for other documented learning experiences, including military educational programs.

(b) Advanced standing. Any community college may award credit for advanced standing based on the policies adopted by that community college's board of trustees.

(c) Credit for lecture, laboratory, and other classes. Each community college shall record one semester hour of credit for any student attending a lecture class, if the student has made satisfactory progress in the class and the class consists of at least 750 minutes of class instruction, plus time allocated for a final exam. Each community college shall record one semester hour of credit for any student attending a laboratory class, if the student has made satisfactory progress in the class and the class consists of at least 1,125 minutes. Each community college shall record one semester hour of credit for any student who completes a minimum of 2,700 minutes in on-the-job training, internships, or clinical experiences in health occupations. The number of semester hours of credit recorded for each distance education course shall be assigned by the community college that provided the course, based on the amount of time needed to achieve the course objectives in a face-to-face format. (Authorized by and implementing K.S.A. 71-201, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-5. Graduation requirements. (a) Any community college may award the associate

in arts degree, the associate in science degree, or the associate in general studies degree to each student who has satisfactorily completed 60 or more semester hours in a curriculum that parallels that of a Kansas public university for freshmen and sophomores. An associate in applied science degree may be awarded to each student who has satisfactorily completed a program in a two-year career or technical curriculum of 60 or more semester hours and who has also met any other requirements for graduation.

(b) A career or technical certificate may be granted for any program that is less than 60 semester hours in length but is more than 15 semester hours.

(c) A certificate of completion may be awarded for a course of study not exceeding 15 semester hours. (Authorized by and implementing K.S.A. 71-201, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-6. Approval of programs. (a) (1) Except as specified in paragraph (a)(2), each program to be offered by a community college shall be required to be approved by the state board before the program is actually offered by the community college. The community college shall submit an application for approval of the program to the state board.

(2) If a program has been approved by the state board in accordance with paragraph (a)(1), the community college may, without separate approval, subsequently offer within the program a separate certificate of completion or a separate career or technical certificate based on credits earned within that program.

(b) The application for any program scheduled to start in a fall semester shall be submitted by February 13 before the fall semester of the school year in which the program is to be offered. The application for any program scheduled to start in a spring semester shall be submitted by August 13 before the spring semester in which the program is to be offered.

(c) The application shall provide information that establishes each of the following:

(1) There is a documented state, regional, or local need for the proposed program.

(2) The community college has the physical and human resources to deliver the program.

(3) The delivery of the program is financially feasible for the state and the community college.

(4) The program does not unnecessarily dupli-

cate any existing programs of the other community colleges within the state.

(d) Upon receipt of an application, the application shall be reviewed by board staff, and a determination shall be made whether the requirements specified in subsection (c) have been met.

(e) If the board staff determines that the requirements specified in subsection (c) have been met, the program shall be recommended by the board staff for approval by the state board. The applicant shall be notified by the board staff, in writing, of the recommendation.

(f) If the board staff determines that the information provided does not meet all of the requirements specified in subsection (c), the applicant shall be notified by the board staff, in writing, of the determination, which shall include in the notice the reason or reasons for the determination. The applicant shall also be notified by the board staff of the right to request a review of the determination in accordance with K.A.R. 88-26-15.

(g) Each applicant shall be sent a notice under subsection (e) or (f) of this regulation within 60 days after the date the application is received by the state board. (Authorized by and implementing K.S.A. 71-201, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-7. Residence determination: out-district students and out-of-state or foreign students. (a) The determination of residency for out-district tuition and student tuition purposes shall be made pursuant to K.S.A. 71-401, K.S.A. 71-402, K.S.A. 71-406, and K.S.A. 71-407, and amendments thereto. The factors that may be considered in determining intent to become a resident shall include the payment of property taxes, the purchase of license tags, the location of employment, voting registration, and any other established ties with the community college district or with a home located in Kansas.

(b) The board of trustees of each community college shall determine the tuition for out-of-state or foreign students. (Authorized by and implementing K.S.A. 71-201, K.S.A. 2003 Supp. 71-301a, K.S.A. 2003 Supp. 71-403, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-8. Determination of student tuition for residency purposes. (a) The president of each community college shall designate a person, referred to in this regulation as the "admissions officer," to determine whether the amount of student tuition to be paid by each student en-

rolled in the community college is the proper amount.

(b) (1) The enrollment forms of each community college shall include questions that enable the admissions officer to identify those out-of-state or foreign students who are eligible to pay the same rate of tuition as that for in-state students and those out-of-state or foreign students who are required to pay out-of-state tuition.

(2) If an out-of-state or foreign student, or the student's spouse or dependent, claims to be eligible to pay the same rate of tuition as that for in-state students, the student, spouse, or dependent shall provide evidence to substantiate the claim. This evidence may include proper military identification, an order of a court or a directive from the secretary of social and rehabilitation services, an affidavit of a person acting as parent of the student, or a copy of a transcript from a Kansas-accredited high school that is signed by the chief administrative officer of the school.

(c) If, upon review of the enrollment forms, the admissions officer determines that a student should pay out-of-state tuition but has been charged and paid in-state tuition, the admissions officer shall give written notice to the student indicating the following:

(1) The amount of student tuition paid and the amount that should have been paid;

(2) the reason or reasons that compel the adjustment in student tuition; and

(3) the fact that the additional tuition is due and shall be paid within 10 days of the date of the notice, unless the student, within this 10-day period, requests an appeal in accordance with K.A.R. 88-26-9.

(d) The notice specified in subsection (c) shall be accompanied by a copy of K.A.R. 88-26-9, K.A.R. 88-26-10, and K.A.R. 88-26-12.

(e)(1) If, upon review of the enrollment forms, the admissions officer determines that a student should have paid in-state tuition but was charged and paid out-of-state tuition, the admissions officer shall give notice to the student indicating the following:

(A) The amount of student tuition paid and the amount that should have been paid; and

(B) the reason or reasons that compel the adjustment in student tuition.

(2) The notice specified in this subsection shall be accompanied by the refund due to the student. (Authorized by and implementing K.S.A. 71-201, K.S.A. 2003 Supp. 71-301a, K.S.A. 2003 Supp. 71-

403, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-9. Review of student tuition determination. Any student who has been determined to owe out-of-state student tuition and who disagrees with that determination may request a review of the determination by a residence appeal board. The student shall file a written request, on a form provided by the admissions office, for review with the admissions officer designated pursuant to K.A.R. 88-26-8 within 10 days after the date on which notification of the determination was given or sent to the student. The admissions officer designated pursuant to K.A.R. 88-26-8, within five days of receipt of the request, shall submit to the residence appeal board the request, a copy of the student's enrollment forms, and a copy of the notice sent to the student. (Authorized by and implementing K.S.A. 71-201, K.S.A. 2003 Supp. 71-301a, K.S.A. 2003 Supp. 71-403, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-10. Residence appeal board. (a) Each community college shall establish a board of at least three members to review determinations made under the provisions of K.A.R. 88-26-8. This board shall be called the residence appeal board. The members of the residence appeal board shall be appointed by the president of each community college. The admissions officer designated pursuant to K.A.R. 88-26-8 shall not be a member of the residence appeal board. The residence appeal board shall elect a chairperson, who shall schedule meetings for the board and shall preside at meetings of the board. The chairperson shall be eligible to vote in all cases.

(b) The residence appeal board shall meet as often as is necessary in order to review determinations within 45 days after the date the request for review is received by the board.

(c) When a request for review is received by the residence appeal board, the chairperson shall determine at which meeting of the board the determination will be reviewed. The chairperson shall notify the student and the admissions officer designated pursuant to K.A.R. 88-26-8 of the date, time, and place of this meeting.

(d) The residence appeal board shall allow the student and the admissions officer designated pursuant to K.A.R. 88-26-8 to present information concerning the matter. Based upon information provided in the student's enrollment forms and by

the student and the admissions officer designated pursuant to K.A.R. 88-26-8, the residence appeal board shall determine the amount of student tuition that should have been paid by the student.

(e) A written decision stating the determination of the residence appeal board shall be made within 10 days after the date the meeting was held. The decision shall be personally delivered or mailed to the student and the admissions officer designated pursuant to K.A.R. 88-26-8.

(f) If the residence appeal board determines that the student should have paid in-state tuition but was charged and paid out-of-state tuition, the decision shall indicate the following:

(1) The amount of student tuition paid and the amount that should have been paid;

(2) the reason or reasons that compel the adjustment in student tuition; and

(3) a refund to the student of the amount of overpayment.

(g) If the residence appeal board determines that the student was properly charged out-of-state tuition, the decision shall state the basis for the determination. The student shall have 10 days after the date of the notice of the decision to request a review in accordance with K.A.R. 88-26-11.

(h) The decision provided for in subsection (g) shall be accompanied by a copy of K.A.R. 88-26-11. (Authorized by and implementing K.S.A. 71-201, K.S.A. 2003 Supp. 71-301a, K.S.A. 2003 Supp. 71-403, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-11. Review of residence appeal board determinations. Any student who disagrees with the decision of the residence appeal board may request that the community college board of trustees review the decision. The student shall file a written request for review with the admissions officer of the community college within 10 days after the date of notification of the decision specified in K.A.R. 88-26-10. The decision of the board of trustees shall be deemed a final agency action for purposes of the Kansas judicial review act. (Authorized by and implementing K.S.A. 71-201, K.S.A. 2003 Supp. 71-301a, K.S.A. 2003 Supp. 71-403, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-12. Out-district tuition for certain students. (a) The president of each community college shall designate a person, referred to in this regulation as the "registrar," who shall be responsible for identifying those students who

are residents of another community college district.

(b) The enrollment forms of each community college shall include questions that enable the registrar to identify those persons described in subsection (a) of this regulation.

(c) A community college shall not be authorized to charge out-district tuition for any student described in subsection (a) of this regulation, unless the community college meets the following criteria:

(1) Completes a release of out-district funds form for the student;

(2) files the release of out-district funds form for the student with the state board within 30 days of the student's enrollment; and

(3) receives written approval from the board staff to charge out-district tuition for the student.

(d) Within 15 days of the receipt of a release of out-district funds form, a determination shall be made by the board staff regarding whether the course of study or program selected by the student, or a substantially equivalent course of study or program, is offered in the community college district in which the student resides. The determination shall be made upon the basis of information provided on the release of out-district funds form and the information concerning programs offered at each community college that is on file with the state board pursuant to K.S.A. 71-306, and amendments thereto.

(e) The determination of the board staff shall be indicated on the form and shall include the reason or reasons for the determination. The form shall also include a statement either directing the community college to charge out-district tuition for the student or advising the community college that out-district tuition will not be charged for the student.

(f) A copy of the form completed in accordance with subsection (e) shall be mailed by the board staff to the following individuals:

(1) The registrar designated pursuant to this regulation;

(2) the president of the community college in which the student is enrolled; and

(3) the president of the community college of the district in which the student resides. (Authorized by and implementing K.S.A. 71-201, K.S.A. 2003 Supp. 71-306, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-13. Review of out-district tuition

determinations. (a) Any community college may request a review, by an appeal committee, of any determination made pursuant to K.A.R. 88-26-12. The community college shall submit a written request for review to the state board within 15 days of the date that the notice provided for in K.A.R. 88-26-12 was mailed to the community college.

(b) Within 10 days of the receipt of a request for review, an appeal committee shall be appointed by the vice president of academic affairs that consists of three persons who are members of the board staff. The appeal committee shall not include any of the board staff who have participated in the initial decision regarding out-district tuition.

(c) A date, time, and place for a hearing on the matter shall be fixed by the vice president for academic affairs upon receipt of a request for review. The county and each of the institutions that is interested in the matter shall be notified by mail. The date for the hearing shall be at least 10 days, but not more than 30 days, after the date the request for review was received by the vice president for academic affairs. The appeal committee shall be provided with the release of out-district funds form completed in accordance with K.A.R. 88-26-12 and a copy of the information concerning the courses of study or programs upon which the determination was made.

(d) At the hearing of the appeal committee, the county, each of the institutions that has an interest in the matter, and any of the board staff who participated in the initial determination shall be allowed to present information concerning the matter. Based upon information provided in the release of out-district funds form, information concerning courses of study and programs, and information provided at the hearing, the appeal committee shall determine whether the community college is authorized to charge out-district tuition for the student.

(e) Within 10 days of the hearing, a written statement indicating the determination of the appeal committee and the reason or reasons for the determination shall be prepared by the vice president for academic affairs. The statement also shall direct the community college to charge out-district tuition for the student or shall advise the community college that out-district tuition will not be charged for the student.

(f) The statement prepared under subsection (e) shall be mailed by the vice president for academic affairs to the persons and entities specified

in K.A.R. 88-26-12. The decision of the appeal committee shall be deemed a final agency action for purposes of the Kansas judicial review act. (Authorized by and implementing K.S.A. 71-201, K.S.A. 2003 Supp. 71-301a, K.S.A. 2003 Supp. 71-403, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-14. Approval of out-district courses. (a) Each application for approval of an out-district course shall be submitted to the state board. The application shall be reviewed by the board staff to determine whether the proposed out-district course meets all of the following requirements:

(1) There is a local or regional need for the proposed out-district course.

(2) The proposed out-district course is in the region assigned to the applicant institution by the state board, or there is a documented need for the applicant institution to offer instruction outside this assigned region.

(3) The proposed out-district course is not offered to provide recreation or to enhance recreational interests that are not applicable to a regular college instructional program.

(b) If the board staff determines that all of the requirements specified in subsection (a) are met, the approved request shall be sent to the applicant, in writing, within 15 days after the date that the recommendation to approve the request is made.

(c) If the board staff determines that the requirements listed in subsection (a) are not met, the applicant shall be notified, in writing, of the determination, which shall include the reason or reasons for the determination. The applicant shall be advised of the right to request a review of the determination in accordance with K.A.R. 88-26-15.

(d) Each applicant shall be sent a notice under subsection (b) or (c) of this regulation within 30 days of the date the application is received by the state board. (Authorized by and implementing K.S.A. 71-201, K.S.A. 71-301a, as amended by 2003 HB 2343, § 10, and K.S.A. 71-403, as amended by 2003 HB 2343, § 17; effective Oct. 29, 2004.)

88-26-15. Review of program or out-district course disapproval. (a) Any community college may request a review of any determination made under K.A.R. 88-26-6 or K.A.R. 88-26-14. Each request for review shall be made, in writing,

within 15 calendar days of the date that notification of the determination was mailed to the community college. The request for review shall be submitted to the president and chief executive officer, who shall conduct a fair and objective review within 21 calendar days of receiving the request for review. This review may include a hearing by phone or in person with representatives of the community college and board staff members.

(b) The appeal shall be ruled upon by the president and chief executive officer within 10 calendar days of the hearing, and this decision shall be sent in writing to the president of the community college. The decision of the president and chief executive officer shall be deemed a final agency action for purposes of the Kansas judicial review act. (Authorized by and implementing K.S.A. 71-201, K.S.A. 2003 Supp. 71-301a, K.S.A. 2003 Supp. 71-403, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

88-26-16. Out-district courses disapproved for community college operating grant purposes. Out-district courses offered to provide recreation or to enhance recreational interests that are not applicable to a regular college instructional program shall not be approved for operating grant purposes. (Authorized by and implementing K.S.A. 71-201, K.S.A. 2003 Supp. 71-301a, K.S.A. 2003 Supp. 71-403, K.S.A. 72-7514, and K.S.A. 74-32,140; effective Oct. 29, 2004.)

Article 27.—WASHBURN MUNICIPAL UNIVERSITY

88-27-1. Out-district tuition. (a) In addition to the terms defined in K.S.A. 13-13a25 and amendments thereto, the following terms shall have the meanings assigned in this regulation:

(1) “Board staff” means the designees of the president and chief executive officer of the Kansas board of regents.

(2) “Course of study” and “program” mean a curriculum, the completion of which qualifies a student to receive a degree or an occupational or technical certificate or to engage in a particular field of employment.

(3) “Out-district student” means a student who is a resident of Kansas but who resides outside the municipal university’s taxing district.

(4) “President and chief executive officer” means the chief executive officer as described in K.S.A. 74-3203a and amendments thereto.

(5) “Release of out-district funds form” means

a particular form that is prescribed by and available from the state board and that relates to the payment of out-district tuition.

(b) The board of regents of the municipal university shall designate a person, referred to as the "registrar," who shall be responsible for identifying those students who are residents of a Kansas community college district.

(c) The enrollment forms of the municipal university shall include questions that enable the registrar to identify those students described in subsection (b) of this regulation.

(d) The municipal university shall not be authorized to charge out-district tuition for any student described in subsection (b) of this regulation, unless the municipal university meets the following criteria:

(1) Completes a release of out-district funds form for the student;

(2) files the release of out-district funds form for the student with state board within 30 days of the student's enrollment; and

(3) receives written approval from the board staff to charge out-district tuition for the student.

(e) Within 15 days of the receipt of a release of out-district funds form, a determination shall be made by the board staff determining whether the course of study or program selected by the student, or a substantially equivalent course of study or program, is offered in the community college district in which the student resides. This determination shall be made upon the basis of the following:

(1) The information provided on the release of out-district funds form;

(2) the information concerning programs offered at each community college, which is on file with the state board pursuant to K.S.A. 71-306, and amendments thereto; and

(3) the information concerning programs at the municipal university, which is on file with the state board pursuant to K.S.A. 13-13a32, and amendments thereto.

(f) The determination made by the board staff shall be indicated on the form, which shall include the reason or reasons for the determination. The form shall also include a statement either directing the municipal university to charge out-district tuition for the student or advising the municipal university that out-district tuition shall not be charged for the student.

(g) A copy of the completed form shall be

mailed by the board staff in accordance with subsection (f) to the following individuals:

(1) The registrar;

(2) the president of the municipal university in which the student is enrolled; and

(3) the president of the community college of the district in which the student resides.

(h) If the municipal university or community college disagrees with the determination of the board staff, either institution may request a review of the determination by following the procedures set forth in K.A.R. 88-27-2. If a request for review is made, the procedures specified in K.A.R. 88-27-2 shall be followed. (Authorized by and implementing K.S.A. 2002 Supp. 13-13a29, as amended by L. 2003, Ch. 35, § 4; effective Oct. 29, 2004.)

88-27-2. Review of out-district tuition determinations.

(a) Any municipal university or community college may request a review, by an appeal committee, of any determination made pursuant to K.A.R. 88-27-1. The municipal university or community college shall submit a written request for review to the state board within 15 days of the date that the notice provided for in K.A.R. 88-27-1 was mailed to the municipal university or community college.

(b) Within 10 days of the receipt of a request for review, an appeal committee shall be appointed by the vice president of academic affairs that consists of three persons who are members of the board staff. The appeal committee shall not include any of the board staff who have participated in the initial decision regarding out-district tuition.

(c) A date, time, and place for a hearing on the matter shall be fixed by the vice president for academic affairs upon receipt of a request for review. The county and each of the institutions that is interested in the matter shall be notified by mail. The date for the hearing shall be at least 10 days, but not more than 30 days, after the date the request for review was received by the vice president for academic affairs. The appeal committee shall be provided with the release of out-district funds form completed in accordance with K.A.R. 88-27-1 and a copy of the information concerning the courses of study or programs upon which the determination was made.

(d) At the hearing of the appeal committee, the county, each of the institutions that has an interest in the matter, and any of the board staff who participated in the initial determination shall be al-

lowed to present information concerning the matter. Based upon information provided in the release of out-district funds form, information concerning courses of study and programs, and information provided at the hearing, the appeal committee shall determine whether the municipal university is authorized to charge out-district tuition for the student.

(e) Within 10 days of the hearing, a written statement indicating the determination of the appeal committee and the reason or reasons for the determination shall be prepared by the vice president for academic affairs. The statement also shall direct the municipal university to charge out-district tuition for the student or shall advise the municipal university that out-district tuition will not be charged for the student.

(f) The statement prepared under subsection (e) shall be mailed by the vice president for academic affairs to the persons and entities specified in K.A.R. 88-27-1. The decision of the appeal committee shall be final. (Authorized by and implementing K.S.A. 2002 Supp. 13-13a27, as amended by L. 2003, Ch. 35, § 3, and K.S.A. 2002 Supp. 13-13a29, as amended by L. 2003, Ch. 35, § 4; effective Oct. 29, 2004.)

Article 28.—PRIVATE AND OUT-OF-STATE POSTSECONDARY EDUCATION INSTITUTIONS

88-28-1. Definitions. The following terms, wherever used in this article, shall have the meanings specified in this regulation: (a) “Academic year” means instruction consisting of at least 24 semester credit hours over a period of two semesters or the equivalent.

(b) “Associate’s degree” means a postsecondary degree consisting of at least 60 semester credit hours or the equivalent of college-level coursework. This term shall include the following types of associate’s degree:

(1) “Associate in applied science degree” means a technical-oriented or occupational-oriented associate’s degree that meets the following conditions:

(A) Is granted to each student who successfully completes a program that emphasizes preparation in the applied arts and sciences for careers, typically at the technical or occupational level; and

(B) requires at least 15 semester credit hours in general education and at least 30 semester

credit hours or the equivalent in the technical content area.

(2) “Associate in arts degree” means an associate’s degree that meets the following conditions:

(A) Is granted to each student who successfully completes a program that emphasizes the liberal arts; and

(B) requires at least 30 semester credit hours or the equivalent in general education, including English, mathematics, humanities, communications, physical sciences, and social and behavioral sciences, or any combination of these subjects.

(3) “Associate in general studies degree” means an associate’s degree that meets the following conditions:

(A) Is granted to each student who successfully completes a program that emphasizes a broad range of knowledge; and

(B) requires at least 24 semester credit hours or the equivalent in general education.

(4) “Associate in science degree” means an associate’s degree that meets the following conditions:

(A) Is granted to each student who successfully completes a program that emphasizes either mathematics or the biological or physical sciences, or both; and

(B) requires at least 30 semester credit hours or the equivalent in general education.

(c) “Bachelor’s degree” and “baccalaureate” mean a degree that meets the following conditions:

(1) Requires the equivalent of at least four academic years of college-level coursework in the liberal arts, sciences, or professional fields meeting the following conditions:

(A) Requires at least 124 semester credit hours or the equivalent;

(B) includes at least 45 semester credit hours or the equivalent in upper-division courses; and

(C) requires at least 60 semester credit hours or the equivalent from institutions that confer a majority of degrees at or above the baccalaureate level; and

(2) requires a distinct specialization, which is known as a “major,” that requires either of the following:

(A) At least one academic year, or the equivalent in part-time study, of work in the major subject and at least one academic year, or the equivalent in part-time study, in related subjects; or

(B) at least two academic years, or the equivalent

lent in part-time study, in closely related subjects within a liberal arts interdisciplinary program.

(d) "Catalog" means a document delivered in print or on-line containing the elements specified in K.A.R. 88-28-2.

(e) "Closure of an institution" or "closure" means the practice of no longer allowing students access to the institution to receive instruction. Closure of an institution occurs on the calendar day immediately following the last day on which students are allowed access to the institution to receive instruction.

(f) "Degree program" means a course of study that meets the following conditions:

(1) Leads to an associate's degree, a bachelor's degree, a master's degree, an intermediate (specialist) degree, a first professional degree, or a doctor's degree; and

(2) consists of at least 30 semester credit hours or the equivalent of coursework in a designated academic discipline area.

(g) "Doctor's degree" means a degree that may include study for a closely related master's degree and that meets the following conditions:

(1) Is granted to each student who successfully completes an intensive, scholarly program requiring the equivalent of at least three academic years beyond the bachelor's degree;

(2) requires a demonstration of mastery of a significant body of knowledge through successful completion of either of the following:

(A) A comprehensive examination; or

(B) a professional examination, the successful completion of which may be required in order to be admitted to professional practice in Kansas; and

(3) requires evidence, in the form of a doctoral dissertation, of competence in independent basic or applied research that involves the highest levels of knowledge and expertise.

(h) "Enrollment agreement" means a written contract between an institution and a student in which the institution agrees to provide instruction to the student for a fee. Each valid enrollment agreement shall meet the requirements of K.A.R. 88-28-7.

(i) "Enrollment period" means the period of time specified in an enrollment agreement during which instruction, including any examinations given, is to be provided to a student.

(j) "Entering an institution" means commencing class attendance by a student at an on-site in-

stitution or first submitting a lesson by a student for evaluation in a distance education program.

(k) "First professional degree" means a degree that meets the following conditions:

(1) Is granted to each student who successfully completes study beyond the fulfillment of undergraduate requirements, as approved by the state board;

(2) requires the equivalent of at least five academic years of study, including work towards a bachelor's degree; and

(3) includes a specialization in a professional field.

(l) "Honorary degree" means a special degree awarded as an honor that is bestowed upon a person without completion of the usual requirements.

(m) "Intermediate (specialist) degree" means a degree, including an educational specialist degree, granted to each student who successfully completes a program requiring the equivalent of at least one academic year beyond the master's degree in a professional field.

(n) "Master's degree" means a degree that meets the following conditions:

(1) Is granted to each student who successfully completes a program in the liberal arts and sciences or in a professional field beyond a bachelor's degree;

(2) requires the equivalent of at least one academic year in a curriculum specializing in a single discipline or single occupational or professional area; and

(3) culminates in a demonstration of mastery, which may include one or more of the following:

(A) A research thesis;

(B) a work of art; or

(C) the solution of an applied professional problem.

(o) "Program" means either of the following:

(1) A course or series of courses leading to a certificate, diploma, or degree; or

(2) training that prepares a person for a field of endeavor in a business, trade, technical, or industrial occupation.

(p) "Upper-division course" means any course with content and teaching appropriate for students in their third and fourth academic years or for other students with an adequate background in the subject. (Authorized by and implementing K.S.A. 2005 Supp. 74-32,165; effective Oct. 20, 2006.)

88-28-2. Minimum requirements. (a) Except as provided in subsection (c), in order to qualify for a certificate of approval, each applicant institution shall be required to meet the criteria listed in K.S.A. 74-32,169 and amendments thereto. An owner of each applicant institution or the owner's designee shall submit evidence that the institution meets the following minimum requirements:

(1) The physical space shall meet the following requirements:

(A) Be free from hazards and be properly maintained;

(B) provide learning environments appropriate for each curriculum in size, seating, lighting, equipment, and resources;

(C) be either owned by the institution or accessed through a long-term lease or other means of access that indicates institutional stability; and

(D) if the physical space includes student housing owned, maintained, or approved by the institution, meet all local standards for public health and safety.

(2) All reports from the local fire department and other agencies responsible for ensuring public health and safety for the current year and the previous year shall be maintained on-site, and one copy shall be sent to the state board annually.

(3) The administrative personnel shall meet the following requirements:

(A) Be adequate in number to support the programs offered; and

(B) be adequately prepared for operating an institution through training, experience, credentialing, or any combination of these.

(4) The executive and academic leadership of the institution shall have qualifications that reasonably ensure that the purpose and policies of the institution are effectively maintained. The administrative responsibilities and concomitant authority of the executive and academic leadership shall be clearly specified in the institution's files.

(5) All permanent educational records and financial records of the students shall be securely maintained and protected from theft, fire, and other possible loss.

(6) All records describing the personnel related to and the development of the following operations shall be maintained for at least three years:

(A) The administration;

(B) the curricula;

(C) student guidance;

(D) instructional supplies and equipment;

(E) the library;

(F) the institution's physical plant;

(G) the staff; and

(H) student activities.

(7) The owner of the institution or the owner's designee shall submit to the state board the most recent financial statements for the institution operating in Kansas and for any parent or holding companies related to that institution. The financial statements provided to the state board shall meet at least one of the following requirements for the most recent fiscal or calendar year or for the two most recent fiscal or calendar years combined:

(A) Demonstrate a minimum ratio of current assets to current liabilities of at least 1:1. This asset ratio shall be calculated by adding the cash and cash equivalents to the current accounts receivable and dividing the sum by the total current liabilities;

(B) exhibit a positive net worth in which the total assets exceed the total liabilities; or

(C) demonstrate a profit earned.

(8) If the institution receives any loans on behalf of a student from a private lender, the institution shall meet all of the following provisions and requirements:

(A) The loan funds may be applied to tuition, fees, or living expenses, or any combination, for a student.

(B) The institution shall not accept all loan funds up front. The funds received shall arrive in multiple disbursements, with the first arriving after the first day of classes and the second arriving at least halfway through the enrollment period. The disbursements shall be at least 90 days apart.

(C) All refunds shall be made to the bank rather than to the borrower.

(D) Upon receipt of loan funds for items to be provided by the institution to the student, the institution shall provide these items to the student, with the exception of test vouchers.

(E) The institution shall not receive any loan funds for a student before the student first attends any course or accepts any on-line materials.

(F) If providing a test voucher for a student, the institution shall not receive any loan funds for the test voucher more than 30 days before the student is scheduled to take the test.

(9) Each institution shall have a tuition refund policy and a student enrollment cancellation policy, called the "refund policy" in these regulations, that meets the following requirements:

- (A) Is published in the institution's catalog;
- (B) complies with K.S.A. 74-32,169 and amendments thereto;
- (C) establishes that each student will be reimbursed for any items for which the student was charged but did not receive, including textbooks and software;
- (D) has no more stringent requirements than the following:
 - (i) All advance monies, other than an initial, nonrefundable registration fee, paid by the student before attending class shall be refunded if the student requests a refund, in writing, within three days after signing an enrollment agreement and making an initial payment; and
 - (ii) for institutions collecting a nonrefundable initial application or registration fee, the student shall be required to sign a written statement acknowledging that the initial application or registration fee is nonrefundable. This statement may be a part of the enrollment agreement, as described in K.A.R. 88-28-7; and
 - (E) for institutions not participating in federal student aid under title IV of the higher education act of 1965, as amended, meets the following additional requirements:
 - (i) If a student withdraws during the first week after entering an institution, the institution shall refund at least 90 percent of the tuition;
 - (ii) if a student withdraws during the first 25 percent of the enrollment period but following the first week after the student's entering an institution, the institution shall refund at least 55 percent of the tuition;
 - (iii) if a student withdraws during the second 25 percent of the enrollment period, the institution shall refund at least 30 percent of the tuition;
 - (iv) if a student withdraws during the last 50 percent of the enrollment period, the institution may deny a refund to the student;
 - (v) any monies due to a student shall be refunded within 60 days from the last day of attendance or within 60 days from the receipt of payment if the date of receipt of payment is after the student's last date of attendance;
 - (vi) for institutions with programs consisting of fewer than 100 clock-hours, refunds may be calculated on an hourly, pro rata basis; and
 - (vii) in determining the official termination date and percentage of each course completed, the institution may consider the week during which the student last attended to be an entire week of attendance completed.
- (10) All correspondence from the institution regarding the enrollment cancellation of a student, and any refund owed to the student, shall reference the refund policy of the institution.
- (11) The required catalog of the institution's operation and services published electronically or in print, or both, shall include the following items:
 - (A) A table of contents;
 - (B) a date of publication;
 - (C) a list of any approvals, including contact information for the state board, and accreditations, including contact information, affiliations, and memberships that the institution has obtained;
 - (D) any requirements that students must meet to be admitted;
 - (E) an academic calendar or a reference to a published calendar used by the institution;
 - (F) the name and nature of each occupation for which training is given;
 - (G) the curricula offered, including the number of clock-hours or credit hours for each course in each curriculum;
 - (H) a description of the physical space and the educational equipment available;
 - (I) the tuition and fees charged;
 - (J) a description of the system used to measure student progress;
 - (K) the graduation or completion requirements, or both;
 - (L) the institutional mission;
 - (M) identification of the owner of the institution;
 - (N) a list of the instructors teaching in Kansas, including their degrees held and the institutions from which their degrees were received;
 - (O) the institutional rules;
 - (P) the institution's policies for tuition refund and student enrollment cancellation, as described in paragraph (a)(9);
 - (Q) the extent to which career services are available; and
 - (R) the institution's policies for transfers of clock-hours or credit hours and for advanced-standing examinations.
- (12) The enrollment agreement shall meet the requirements of K.A.R. 88-28-7.
- (13) All advertising and promotional materials shall meet the following requirements:
 - (A) Include the correct name of the institution that is approved by the state board;
 - (B) be truthful and not misleading by actual statement or omission;

(C) not be located in the employment or “help wanted” classified ads;

(D) not quote salaries for an occupation in the institution’s advertising or promotional literature without including the documented median starting wage of a majority of the institution’s graduates who graduated within the most recent calendar year;

(E) make no offers of institutional scholarships or partial institutional scholarships, unless the scholarships are bona fide reductions in tuition and are issued under specific, published criteria;

(F) use the word “accredited” only if the accrediting agency is one recognized by the United States department of education;

(G) not make any overt or implied claim of guaranteed employment during training or upon completion of training, in any manner; and

(H) not use letters of endorsement, recommendation, or commendation in the institution’s advertising and promotional materials, unless the letters meet the following requirements:

(i) The institution received the prior, written consent of the authors;

(ii) the institution did not provide remuneration in any manner for the endorsements; and

(iii) the institution keeps all letters of endorsement, recommendation, or commendation on file, subject to inspection, for at least three years after the last use of the contents in advertising or promotional materials.

(14) Each curriculum shall meet the following requirements:

(A) Be directly related to the institution’s published mission;

(B) evidence a well-organized sequence of appropriate subjects leading to occupational or professional competence;

(C) reasonably and adequately ensure achievement of the stated objectives for which the curriculum is offered;

(D) if the curriculum prepares students for licensure, be consistent with the educational requirements for licensure; and

(E) if courses are delivered by distance education, meet the same standards as those for courses conducted on-site.

(15) The published policies for measuring student progress shall be followed.

(16) All instructional materials shall meet the following requirements:

(A) Reflect current occupational knowledge

and practice applicable to the field of study and meet national standards if the standards exist;

(B) be sufficiently comprehensive to meet the learning objectives stated in the institution’s published catalog;

(C) include suitable teaching devices and supplemental instructional aids appropriate to the subject matter; and

(D) be applicable to the curricula and the students.

(17) All instructional equipment shall meet the following requirements:

(A) Be current and maintained in good repair; and

(B) be used by students according to written policies for safe usage.

(18) Each faculty member shall be qualified to teach in the field or fields to which the member is assigned. Faculty responsibilities may be defined in terms of the number of hours taught, course development and research required, level of instruction, and administrative, committee, and counseling assignments.

(19) Each faculty member’s minimum academic credential shall be at least one degree-level above the degree being taught, unless other credentials are typically used in lieu of the academic degree in a particular field of study. In those cases, qualifications may be measured by technical certifications, relevant professional experience, professional certifications, creative activity, training, or licensure, or any combination of these. The institution shall provide documentation that all faculty appointments meet these standards.

(20) The instructors in all programs shall maintain continuous professional experience through one or more of the following activities:

(A) Maintain membership in and participate in educational, business, technical, or professional organizations;

(B) continue their education in their professional fields; or

(C) have concurrent, related work experience.

(21) In-service training that is consistent with the institution’s mission shall be provided for the improvement of both the instructors and the curricula.

(22) All students shall be given the appropriate educational credentials upon completion of the program that indicate satisfactory completion.

(23) Each certificate, diploma, or degree shall include the following information, at a minimum:

(A) The name of the graduate;

(B) the name of the program completed;
(C) the name of the institution issuing the credential; and

(D) the date on which the graduate completed the program.

(b) In addition to meeting the requirements of subsection (a), an owner of the applicant institution for which degree-granting authority is sought, or the owner's designee, shall also submit evidence that the institution meets the following minimum requirements:

(1) Each degree program for which degree-granting authority is sought shall meet the criteria specified in the definition of that degree in K.A.R. 88-28-1.

(2) The library holdings maintained in a physical library or on-line, or in a combination of a physical library and on-line, shall be appropriate to each degree awarded. All of the following requirements shall be met:

(A) A professionally trained librarian shall maintain the holdings.

(B) An annual budget shall be established to maintain and improve the holdings, including the appropriate classification and inventory of the holdings.

(C) Physical holdings, on-line holdings, or a combination of these holdings shall be made available at times when students are not in class, including weekend and evening hours.

(D) The library holdings shall be up-to-date and shall include full-text titles appropriate to the degrees offered.

(E) The faculty shall be given an opportunity to participate in the acquisition of library holdings, whether physical or on-line.

(F) If the institution uses interlibrary agreements, the agreements shall be well documented, and access to other libraries' collections shall be practical for students.

(3) Each institution's governing structure shall clearly delineate the responsibility for all legal aspects of operations, the formulation of policy, the selection of the chief executive officer, and the method of succession. If the institution is governed by a board or group of officers, the following aspects of the board or group shall be clearly defined:

(A) The membership;

(B) the manner of appointment;

(C) the terms of office; and

(D) all matters related to the duties, responsibilities, and procedures of that body.

(4) The financial statements for the institution shall be audited by a CPA.

(c) If an institution has accreditation issued by a regional or national accrediting agency recognized by the United States department of education, that accreditation may be accepted by the state board as presumptive evidence that the institution meets the minimum requirements specified in this regulation. However, each degree program for which degree-granting authority is sought shall meet the criteria specified in the definition of that degree in K.A.R. 88-28-1. (Authorized by K.S.A. 2005 Supp. 74-32,165; implementing K.S.A. 2005 Supp. 74-32,165 and 74-32,169; effective Oct. 20, 2006.)

88-28-3. Certificates of approval. (a) A certificate of approval may be issued with degree-granting authority or without degree-granting authority.

(b) An owner of each institution for which a certificate of approval to operate in Kansas is sought, or the owner's designee, shall submit an application on a form provided by the state board. An owner of each institution for which degree-granting authority is sought, or the owner's designee, shall indicate on the application that degree-granting authority is requested and shall specify the degree programs proposed to be offered by the institution.

(c) An owner of each institution or the owner's designee shall submit the following information with the application:

(1) An outline or syllabus of each course offered in Kansas;

(2) a description of the institution's facilities, equipment, and instructional materials;

(3) a certification by an owner of the applicant institution or the owner's designee that the building that is to house the institution meets the requirements of all local, state, and federal regulations;

(4) a resume of each administrator and instructor that includes the individual's education, previous work experience, professional activities, and, if applicable, licensure;

(5) evidence of the institution's professional development and in-service activities;

(6) a copy of the proposed catalog or, if existing, a copy of each of the institution's most recent catalogs, bulletins, and brochures, with any supplements;

(7) a copy of the enrollment agreement;

(8) a copy of the credential to be given to each student upon completion of a program;

(9) a description of how the student and administrative records are maintained as required by K.A.R. 88-28-2;

(10) a copy of any advertising used;

(11) a financial statement showing income and expenditures for the most recent, complete fiscal year. These documents shall be prepared and acknowledged by a certified public accountant and, in the case of an institution requesting degree-granting authority, shall be audited by a certified public accountant;

(12) a ledger sheet for each student showing the receipt of money for tuition, fees, books, supplies, and any other items charged to the student; and

(13) a copy of any certificate of accreditation issued to the institution by a regional or national accrediting agency recognized by the United States department of education.

(d)(1) If an application for a certificate of approval without degree-granting authority submitted in accordance with this article is found to be complete and the applicant institution meets the requirements in K.S.A. 74-32,169 and amendments thereto, the instructional facilities of the applicant institution applying for a certificate of approval may be inspected and evaluated by the state board or by professional consultants appointed by the state board before a certificate of approval may be issued.

(2) If an application for a certificate of approval with degree-granting authority submitted in accordance with this article is found to be complete, the applicant institution meets the requirements in K.S.A. 74-32,169 and amendments thereto, and the applicant institution's degree programs meet the criteria specified in the definitions of those degrees in K.A.R. 88-28-1, the institution shall be subject to the requirements of K.A.R. 88-28-4. A certificate of approval with degree-granting authority may be issued based on the following evidence:

(A) The application material submitted by the institution;

(B) the evaluation arising from the on-site visit, if any;

(C) the examining team's report as described in K.A.R. 88-28-4, if any; and

(D) any information or documentation that the institution provides at the meeting with the state board's executive officer or designee as described in K.A.R. 88-28-4.

(e) If an institution is found to be eligible for a certificate of approval, an owner of the applicant institution or the owner's designee shall be notified of the conditional approval of the institution. Following notification, an owner of the applicant institution or the owner's designee shall furnish a surety bond or other equivalent security acceptable to the state board in the amount of \$20,000, as required by K.S.A. 74-32,175 and amendments thereto. A certificate of approval shall not be issued until the surety bond or other security is filed with the state board.

(f) On the state board's own motion or upon a written complaint filed by any person doing business with the institution, an investigation of the institution may be conducted by the state board. Based upon the results of the investigation, the institution may be ordered by the state board to take corrective action, or proceedings may be initiated by the state board to revoke the institution's certificate of approval under the provisions of K.S.A. 74-32,172 and amendments thereto. The approval to grant degrees may be revoked in whole or for specific degree programs if an institution is not in compliance with the minimum standards specified in K.A.R. 88-28-2.

(g) An owner of each institution with degree-granting authority that seeks to begin a new degree program, or the owner's designee, shall file for an amendment to its certificate of approval on a form provided by the state board. Each new degree program shall meet the criteria specified in the definition of that degree in K.A.R. 88-28-1. The institution shall be subject to the requirements of K.A.R. 88-28-4. The owner of the institution or the owner's designee shall submit the following items with the application to amend its certificate of approval:

(1) An outline of the curriculum to be offered for the new degree;

(2) the qualifications of the faculty to be involved in the program of study;

(3) the relationship of the new degree program to the mission of the institution; and

(4) any other information requested by the board. (Authorized by K.S.A. 2005 Supp. 74-32,165; implementing K.S.A. 2005 Supp. 74-32,167, 74-32,168, 74-32,172, and 74-32,175; effective Oct. 20, 2006.)

88-28-4. On-site visits to degree-granting institutions. (a) Each applicant institution without accreditation from an agency recognized

by the federal department of education for which degree-granting authority is sought shall be required to submit to an on-site visit to the institution by state board representatives, including curriculum specialists, subsequently called an examining team, as described in this regulation, if the institution has not had this type of on-site visit within the last five years. Any applicant institution with accreditation from an agency recognized by the federal department of education and any institution with a certificate of approval with degree-granting authority may be required to submit to an on-site visit to the institution by an examining team, as described in this regulation.

(b) When the executive officer of the state board or designee has determined that an institution is ready for an on-site visit, the executive officer or designee shall arrange with the owner of the institution or the owner's designee for a visit to the campus or instructional sites, or both, to confirm the documentation furnished by the institution and to ascertain that the institution meets the minimum requirements specified in K.A.R. 88-28-2.

(c) Each examining team conducting an on-site visit shall be comprised of representatives of the public and private sectors of higher education with appropriate levels and fields of education. This team may include other qualified representatives of the public at large who are appointed by the executive officer of the state board or designee.

(d) At least one member of the staff of the state board shall accompany the examining team and serve as liaison between the institution, team members, and the state board office.

(e) One member of the examining team shall be designated as chairperson and shall assume responsibility for leadership in conducting the on-site visit and in preparing the examining team's report. No staff member shall serve as chairperson.

(f) The applicant institution shall be responsible for any costs connected with the on-site visit and, if necessary, any subsequent visits, including travel, meals, lodging, and honoraria.

(g) The examining team shall prepare and submit a report, which shall include its study of the institution's proposal, its visit to the campus or instructional sites, and its statement of recommendation regarding the institution's application, to the executive officer of the state board or des-

ignee within 30 days after completion of the on-site visit.

(h) The statement of recommendation included in the examining team's report shall be one of the following:

(1) Approval. This statement recommends that the institution be given approval in specified programs, subject to annual renewal and periodic reporting of information as requested by the state board.

(2) Nonapproval. This statement recommends that the institution not be approved for specified programs, with the recommendation that the institution pursue its plan of improvement and reapply.

(i) All statements of recommendation shall be advisory to the state board.

(j) After the examining team's report on the disposition of an application has been transmitted from the examining team to the executive officer of the state board or designee, the executive officer or designee may, at that individual's discretion or at the request of the institution, invite the owner of the applicant institution or the owner's designee to meet to discuss the report and present any further information pertinent to the application.

(k) Except as needed for applications from institutions seeking to offer new degree programs or for any investigation of violations of laws and regulations, on-site visits shall occur no more frequently than every five years. (Authorized by K.S.A. 2005 Supp. 74-32,165; implementing K.S.A. 2005 Supp. 74-32,165, 74-32,169, 74-32,170, 74-32,171, and 74-32,181; effective Oct. 20, 2006.)

88-28-5. Registration of representatives. (a) Each individual who wants to serve as a representative of any institution shall complete and submit a representative's application on a form provided by the state board. A separate application shall be submitted for each institution that an individual seeks to represent, unless the institutions that an individual seeks to represent have common ownership. The applicant and either an owner of the institution that the applicant seeks to represent or the owner's designee shall sign the application and shall attest that if the registration is issued, the applicant will be employed by the institution.

(b) If the state board, upon review and consideration of an application, determines that the ap-

plication is denied, the applicant shall be notified by the state board of the denial and each reason for the denial. The notice shall also advise the applicant of the right to request a hearing under K.S.A. 74-32,172 and amendments thereto.

(c) A certificate of registration for each institution with separate ownership shall be issued by the state board to the individual upon approval of the application. The certificate shall state the name of the registrant, the name of the institution that the registrant may represent, the date of issuance, and the date of expiration. The representative shall make available proof of the representative's registration to each prospective student or enrollee, if asked, before engaging in any personal solicitation.

(d) On the state board's own motion or upon a written complaint filed by any person doing business with the representative, an investigation of the representative may be conducted by the state board. Based upon the results of the investigation, the representative or the institution may be ordered by the state board to take corrective action, or proceedings may be initiated by the state board to revoke the representative's certificate of registration under the provisions of K.S.A. 74-32,172 and amendments thereto. (Authorized by K.S.A. 2005 Supp. 74-32,165; implementing K.S.A. 2005 Supp. 74-32,174; effective Oct. 20, 2006.)

88-28-6. Certification and registration fees. Fees for certificates of approval and registration of representatives shall be collected by the state board in accordance with this regulation. (a) For institutions domiciled or having their principal place of business within the state of Kansas, the following fees shall apply:

(1)(A) Initial issuance of certificate of approval without degree-granting authority	\$850.00
(B) Renewal of certificate of approval without degree-granting authority	\$600.00
(2)(A) Initial issuance of certificate of approval with degree-granting authority	\$1,000.00
(B) Renewal of certificate of approval with degree-granting authority	\$800.00
(3) (A) Initial registration of representative	\$75.00
(B) Renewal of registration of representative	\$50.00

(b) For institutions domiciled or having their principal place of business outside the state of Kansas, the following fees shall apply:

(1)(A) Initial issuance of certificate of approval without degree-granting authority	\$1,700.00
(B) Renewal of certificate of approval without degree-granting authority	\$1,200.00
(2)(A) Initial issuance of certificate of approval with degree-granting authority	\$1,900.00
(B) Renewal of certificate of approval with degree-granting authority	\$1,400.00
(3) (A) Initial registration of representative	\$150.00
(B) Renewal of registration of representative	\$100.00

(Authorized by and implementing K.S.A. 2005 Supp. 74-32,181; effective Oct. 20, 2006.)

88-28-7. Enrollment agreement. (a) (1) Before any institution may accept payment from a student, an official of the institution shall provide that student with an enrollment agreement that explicitly outlines the obligations of the institution and the student and the enrollment period for which this agreement applies. When the official of the institution provides any student with the institution's enrollment agreement, the official shall also physically or electronically provide the student with a copy of the institution's catalog and any other supporting documents that detail the services to be provided by the institution that are outlined in the enrollment agreement.

(2) The enrollment agreement shall be written so that it can be understood by the prospective student or, if the prospective student is a minor, that prospective student's parent or legal guardian, regardless of the educational background of the individual.

(b) Each enrollment agreement shall contain the following elements:

(1) A title that identifies the enrollment agreement as a contract or legal agreement;

(2) the name and address of the institution;

(3) the title of the program or each course in which the student is enrolling, as identified in the course catalog;

(4) the number of clock-hours or credit hours and the number of weeks or months required for

completion of the program or each course in which the student is enrolling;

(5) identification of the type of certificate, diploma, or degree to be received by the student upon successful completion of the program or each course;

(6) the total amount of tuition required for the program or each course in which the student is currently enrolling. If the total number of clock-hours or credit hours required for completion of the program will span more than one enrollment period, the enrollment agreement shall include a statement that tuition is subject to change;

(7) the cost of any required books and supplies, which may be estimated if necessary;

(8) any other costs and charges to be paid by the student;

(9) the scheduled start and end dates of the program or each course and a description of the class schedule;

(10) the grounds for termination of the enrollment agreement by the institution before the student's completion of the program or each course. These grounds may include the student's insufficient progress, nonpayment, and failure to comply with the institution's published rules;

(11) the method by which the student can cancel or voluntarily terminate the enrollment agreement;

(12) the institution's refund policy for cancellations and terminations, as described in K.S.A. 74-32,169 and amendments thereto. Reference may be given to the page where the refund policy is listed in the institution's catalog in effect at the time of enrollment;

(13) a statement disclaiming any guarantee of employment for the student after the program or each course is completed;

(14) the reasons why the institution could postpone the scheduled starting date or the class schedule, the maximum period of any possible delay, and any effect that the postponement could have on the institution's refund policy;

(15) a description of the nature and extent of any possible major or unusual change in any course content, program content, or materials and the amount of any extra expenses that could be charged to the student;

(16) the date on which the enrollment agreement becomes effective;

(17) an acknowledgment that the student who signs the enrollment agreement has read and received a copy of the agreement;

(18) the signature of the student or the student's legal representative, if the student is a minor, and the date of this signature;

(19) the signature of an official at the institution who is authorized to sign for the institution and the date of this signature;

(20) if any extra charges are assessed, a description of what each charge is for and, if payment of these charges is collected in advance, a reasonable refund policy; and

(21) a description of any items or services required to be purchased from sources other than the institution, if any. (Authorized by K.S.A. 2005 Supp. 74-32,165; implementing K.S.A. 2005 Supp. 74-32,165, 74-32,169, and 74-32,176; effective Oct. 20, 2006.)

88-28-8. Student records upon closure

of an institution. (a) Upon closure of an institution, an owner of the institution or the owner's designee shall deliver or make available to the state board all records of the students who are or have been in attendance at the institution. These records shall be delivered or made available no more than 15 calendar days following the closure.

(b) If the student records are not delivered or made available to the state board as required by subsection (a), any action deemed necessary may be commenced by the state board to obtain possession of the records.

(c) Each student requesting a copy of a transcript after the closure of an institution shall pay a fee of \$7.00 (Authorized by K.S.A. 2005 Supp. 74-32,165; implementing K.S.A. 2005 Supp. 74-32,175 and 74-32,181; effective Oct. 20, 2006.)

Article 29.—QUALIFIED ADMISSION

88-29-1. Definitions. The following terms, wherever used in this article, shall have the meanings specified in this regulation: (a) "Accelerated course" means a course that meets all of the following criteria:

(1) Is designed for students performing above their grade level as determined by standardized testing;

(2) if the course is designed to be a ½-unit course, is completed in less than 40 clock-hours;

(3) if the course is designed to be a one-unit course, is completed in less than 80 clock-hours; and

(4) has been determined by the board of regents to include similar or greater content, depth,

and complexity as a one-unit course completed in 120 clock-hours or a ½-unit course completed in 60 clock-hours.

(b) “Accredited high school” means one or more educational institutions that provide secondary instruction to students in grades 9, 10, 11, and 12 and that are designated accredited by a regional accrediting agency recognized by the United States department of education, by the Kansas state board of education, or by an agency with standards equivalent to those of the United States department of education or the Kansas state board of education.

(c) “Admission” means the permission given by the admission officer of a state educational institution to an applicant to enroll as a degree-seeking student in a state educational institution.

(d) “Complete application file” means the entire set of the following student records that have been received in the admission office of a state educational institution:

(1) A completed application to the state educational institution;

(2) verification that all applicable application fees have been paid;

(3) an official copy of the final transcript from each high school attended, including a transcript documenting graduation from high school, or a GED certificate; and

(4) any other materials required by the state educational institution for advising or placement purposes.

(e) “Degree-seeking student” means a student who has been accepted for enrollment at a state educational institution and who has formally indicated to the state educational institution the intent to complete a program of study that is designated by the United States department of education as a program that is eligible for federal financial aid.

(f) “Earned the general educational development (GED) certificate with an overall score of not less than 50 points” means one of the following:

(1) Took the GED test on or after January 1, 2002, with an overall score of at least 2,550 points and a minimum score of 510 points on each subtest; or

(2) took the GED test before January 1, 2002, with an overall score of at least 250 points and a minimum score of 50 points on each subtest.

(g) “Institution of higher education” means an

educational institution in any state, territory or country that meets all of the following criteria:

(1) Meets one of the following requirements:

(A) Offers a course of instruction designated by the United States department of education as a program that is eligible for federal financial aid; or

(B) offers a course of instruction that is equivalent to a program designated by the United States department of education as a program that is eligible for federal financial aid;

(2) is legally authorized within the state, territory, or country that appears on the transcript to provide a program of education beyond secondary education; and

(3) meets one of the following requirements:

(A) Is accredited by an accrediting agency or association that is recognized by the United States department of education or an international accrediting agency; or

(B) has been granted preaccreditation status by an accrediting agency or association that is recognized by either the United States department of education or an international accrediting agency.

(h) “Integrated course” means a course that redistributes the content of two or more qualified admission precollege curriculum courses into a nontraditional combination. A nontraditional combination may combine the content of qualified admission algebra I and qualified admission geometry over a period of four semesters in a sequence of courses titled integrated math I and II.

(i) “Kansas resident” means a person determined to be a resident for fee purposes pursuant to K.S.A. 76-729 and amendments thereto.

(j) “Non-degree-seeking student” means a student who has been accepted for enrollment in a state educational institution and who has formally indicated to the state educational institution the intent to enroll for self-enrichment or other reasons, excluding the intent to complete a course of study that is designated by the United States department of education as a program that is eligible for federal financial aid.

(k) “Precollege,” when used to describe a course or curriculum, means a type of course or curriculum offered at an accredited high school that meets each of the following criteria:

(1) The course or curriculum is designed for a student performing at or above the student’s grade level as determined by standardized testing.

(2) The content and requirements of the course

or curriculum have been determined by the board of regents or the board's designee to reflect a pace of instruction, intensity and depth of material, level of abstraction, and application of critical thinking necessary to prepare students for study at state educational institutions.

(l) "State educational institution" has the meaning specified in K.S.A. 76-711 and amendments thereto.

(m) "Ten percent exception window" means a method by which a Kansas resident may be admitted to a state educational institution pursuant to K.A.R. 88-29-8.

(n) "Unit" means a measure of secondary credit that may be awarded to a student for satisfactory completion of a particular course or subject. One unit of credit is credit that is awarded for satisfactory completion of a course or subject that is offered for and generally requires 120 clock-hours to complete. Credit may be awarded in increments based upon the amount of time a course or subject is offered and the requirements for completion.

This regulation shall be effective on and after August 1, 2007. (Authorized by and implementing K.S.A. 76-717; effective Aug. 1, 2007.)

88-29-2. Scope. Unless expressly stated as applicable to non-degree-seeking students, this article shall apply only to undergraduate degree-seeking students at any state educational institution.

This regulation shall be effective on and after August 1, 2007. (Authorized by and implementing K.S.A. 76-717; effective Aug. 1, 2007.)

88-29-3. Categories of admission. This regulation shall be applicable to each state educational institution's review of applicants beginning with the 2008 summer session.

(a) In the admission policies of each state educational institution, which are required by K.A.R. 88-29-9, each state educational institution shall adopt the regular admission category, which shall include any applicant who is given permission from the state educational institution to enroll as a degree-seeking student at the state educational institution without any conditions or restrictions other than that the student will be subject to all policies of the state educational institution.

(b) In the admission policies of each state educational institution, which are required by K.A.R. 88-29-9, any state educational institution

may adopt one or more admission categories in addition to the regular admission category specified in subsection (a). These additional categories shall be limited to the following:

(1) The temporary admission category, which shall include any applicant who is given permission from the state educational institution to enroll as a degree-seeking student at the state educational institution for a specified period of time not to exceed one calendar year, during which period the student shall be required to provide the state educational institution with the student's complete application file;

(2) the provisional admission category, which shall include any applicant who is given permission from the state educational institution to enroll as a degree-seeking student at the state educational institution for a probationary period of time, subject to restrictions that may include any of the following requirements:

(A) The applicant shall enroll only in a limited number of credit hours each semester as specified by the state educational institution;

(B) the applicant shall enroll in the developmental or college preparatory courses specified by the state educational institution;

(C) the applicant shall participate in an advising program specified by the state educational institution;

(D) the applicant shall achieve a certain specified grade point average specified by the state educational institution at the end of a period of time specified by the state educational institution; and

(E) the applicant shall meet any other provisions established in the state educational institution's admission policy for provisional admission established in accordance with K.A.R. 88-29-9; and

(3) the conditional admission category, which shall include any applicant who is given permission from the state educational institution to conditionally enroll in a state educational institution as a non-resident degree-seeking student according to a state educational institution's admission policy for conditional admission established in accordance with K.A.R. 88-29-9.

(c) A student in the regular admission category shall not be in any other admission category.

(d) The temporary, provisional, and conditional admission categories shall not be mutually exclusive. Each student who is not in the regular admission category shall be admitted into any other category or categories of admission adopted by the

state educational institution for which the student is eligible.

The regulation shall be effective on and after August 1, 2007. (Authorized by and implementing K.S.A. 76-717; effective Aug. 1, 2007.)

88-29-4. Qualifications required for the admission of an applicant with 24 or more transferable credit hours. This regulation shall be applicable to each state educational institution's review of applicants beginning with the 2008 summer session.

(a) The requirements established in this regulation shall apply to any applicant who has earned 24 or more credit hours from an institution of higher education that are transferable to a state educational institution. If an applicant does not meet the requirements of this regulation, the applicant may be admitted by means of the ten percent exception window described in K.A.R. 88-29-8 or the conditional admission category adopted in the state educational institution's admission policy required by K.A.R. 88-29-9.

(b) Each state educational institution shall admit any Kansas resident who meets the following criteria:

(1) Has earned 24 or more credit hours from an institution of higher education that are transferable to a state educational institution; and

(2) has earned a cumulative grade point average of 2.0 or higher on a 4.0 scale in all postsecondary coursework.

(c) Any state educational institution may admit a nonresident who meets the following criteria:

(1) Has earned 24 or more credit hours from an institution of higher education that are transferable to a state educational institution; and

(2) has earned a cumulative grade point average of 2.0 or higher on a 4.0 scale in all postsecondary coursework.

The regulation shall be effective on and after August 1, 2007. (Authorized by and implementing K.S.A. 76-717; effective Aug. 1, 2007.)

88-29-5. Qualifications required for the admission of a Kansas resident who is under the age of 21. This regulation shall be applicable to each state educational institution's review of applicants beginning with the 2008 summer session.

(a) The requirements established in this regulation shall apply to any applicant who is a Kansas resident and is under the age of 21, except that the requirements shall not apply to any applicant who has earned 24 or more credit hours from an

institution of higher education that are transferable to a state educational institution. If an applicant does not meet the requirements of this regulation, the applicant may be admitted by means of the ten percent exception window described in K.A.R. 88-29-8.

(b) Each state educational institution shall admit any Kansas resident under the age of 21 who meets each of the following requirements:

(1) Has graduated from an accredited high school in Kansas or, pursuant to K.S.A. 72-116 and amendments thereto, an accredited high school located out of state; and

(2) meets at least one of the following criteria:

(A) Achieved a composite score on the ACT of at least 21 points;

(B) ranked in the top third of the applicant's high school class upon completion of seven or eight semesters; or

(C) completed the qualified admission precollege curriculum described in K.A.R. 88-29-11, or its functional equivalent described in K.A.R. 88-29-18, with a minimum grade point average of 2.0 on a 4.0 scale.

(c) Each state educational institution shall admit any Kansas resident who is under the age of 21 and who has earned the general educational development (GED) certificate with an overall score of not less than 50 points, as defined in K.A.R. 88-29-1.

The regulation shall be effective on and after August 1, 2007. (Authorized by and implementing K.S.A. 76-717; effective Aug. 1, 2007.)

88-29-6. Qualifications required for the admission of a Kansas resident who is 21 or older. This regulation shall be applicable to each state educational institution's review of applicants beginning with the 2008 summer session.

(a) The requirements established in this regulation shall apply to any applicant who is a Kansas resident and who will be 21 or older on the first day of classes at the state educational institution to which the student is applying, except that the requirements shall not apply to any applicant who has earned 24 or more credit hours from an institution of higher education that are transferable to a state educational institution. If an applicant does not meet the requirements of this regulation, the applicant may be admitted by means of the ten percent exception window described in K.A.R. 88-29-8.

(b) Each state educational institution shall ad-

mit any Kansas resident who is 21 or older and who meets one of the following criteria:

(1) Has graduated from an accredited high school in Kansas or, pursuant to K.S.A. 72-116 and amendments thereto, an accredited high school located out of state; or

(2) has earned the general educational development (GED) certificate with an overall score of not less than 50 points, as defined in K.A.R. 88-29-1.

The regulation shall be effective on and after August 1, 2007. (Authorized by and implementing K.S.A. 76-717; effective Aug. 1, 2007.)

88-29-7. Qualifications required for the admission of a nonresident. This regulation shall be applicable to each state educational institution's review of applicants beginning with the 2008 summer session.

(a) The requirements established in this regulation shall apply to any applicant who is a nonresident, except that the requirements shall not apply to any applicant who has earned 24 or more credit hours from an institution of higher education that are transferable to a state educational institution. If an applicant does not meet the requirements prescribed in this regulation, the applicant may be admitted into the conditional admission category adopted in the state educational institution's admission policy for conditional admission established in accordance with K.A.R. 88-29-9.

(b) Any state educational institution may admit any nonresident who meets both of the following requirements:

(1) Has graduated from an accredited high school; and

(2) meets at least one of the following criteria:

(A) Achieved a composite score on the ACT of at least 21 points;

(B) ranked in the top third of the applicant's high school class upon completion of seven or eight semesters; or

(C) completed the qualified admission precollege curriculum described in K.A.R. 88-29-11, or its functional equivalent described in K.A.R. 88-29-19, with a minimum grade point average of at least 2.5 on a 4.0 scale.

The regulation shall be effective on and after August 1, 2007. (Authorized by and implementing K.S.A. 76-717; effective Aug. 1, 2007.)

88-29-8. The ten percent exception window. This regulation shall be applicable to each

state educational institution's review of applicants beginning with the 2008 summer session.

Any state educational institution may admit any Kansas resident who does not meet the applicable requirements specified in K.A.R. 88-29-4 through 88-29-6 by means of the ten percent exception window. The maximum number of students admitted by means of the ten percent exception window shall be calculated as follows:

(a) The total number of admitted new students who have earned fewer than 30 credit hours from an institution of higher education that are transferable to the state educational institution, regardless of admission category, shall be counted on each twentieth day of the fall, spring, and summer sessions of each academic year.

(b) The maximum number of admissions calculated using the ten percent exception window shall be equal to 10 percent of the sum of the three numbers counted in subsection (a).

(c) If the state educational institution exceeds the allotted number of admissions using the ten percent exception window, the excess over the allowable total number of exceptions shall be subtracted from the subsequent year's allowable total number of exceptions.

The regulation shall be effective on and after August 1, 2007. (Authorized by and implementing K.S.A. 76-717; effective Aug. 1, 2007.)

88-29-9. Admission policies for state educational institutions. This regulation shall be applicable to each state educational institution's review of applicants beginning with the 2008 summer session.

The chancellor or president of each state educational institution or a designee shall establish admission policies that meet all of the following requirements:

(a) The policies shall not conflict with the provisions of this article.

(b) The policies shall specify the materials required for a complete application file.

(c) The policies shall address the enrollment of both degree-seeking and non-degree-seeking students as well as each student's transition from degree-seeking to non-degree-seeking status or from non-degree-seeking to degree-seeking status. Policies shall mandate that each non-degree-seeking student who applies to enroll as a degree-seeking student shall be admitted only if one of the following conditions is met:

(1) The student meets the applicable require-

ments specified in K.A.R. 88-29-4 through 88-29-7.

(2) The student is admitted by means of the ten percent exception window described in K.A.R. 88-29-8.

(3) The student is admitted into the conditional admission category adopted in the state educational institution's admission policy for conditional admission established in accordance with this regulation.

(d) The policies shall include an explanation of the ten percent exception window and the state educational institution's method to determine which applicants would be admitted if there were more applicants than the state educational institution is allowed under K.A.R. 88-29-8.

(e) The policies may include the establishment of subcategories of non-degree-seeking students.

(f) The policies shall include a statement indicating whether the state educational institution will consider, in the admission decision, any post-secondary credit from an institution that is not accredited and has not been granted preaccreditation status by an agency recognized by the United States department of education or by an equivalent international agency. If the state educational institution considers these credits, the admission decision shall be made in accordance with K.A.R. 88-29-4.

(g) The policies shall include a statement of whether the state educational institution enrolls students in the temporary, provisional, or conditional admission category.

(1) If the state educational institution enrolls any students in the temporary admission category, the policies shall include all of the following:

(A) A description of requirements for exiting the temporary admission category and entering another admission category;

(B) a statement that a temporarily admitted student may be denied admission to a specific degree program; and

(C) a statement that each student who fails to exit from the temporary admission category within the specified period of time shall be disenrolled.

(2) If the state educational institution enrolls any students in the provisional admission category, the policies shall include all of the following:

(A) A description of requirements for exiting the provisional admission category and entering another admission category;

(B) a statement that any student admitted in the

provisional admission category may be denied admission to a specific degree program; and

(C) a statement that each student who fails to exit from the provisional admission category within the period of time specified by the state educational institution shall be disenrolled.

(3) If the state educational institution enrolls any students in the conditional admission category, the policies shall include all of the following:

(A) A statement that the maximum number of students admitted in the conditional admission category shall be equal to 50 students or 10 percent of the total number of new nonresident freshman class admissions, whichever is greater. This 10 percent shall be calculated as follows:

(i) Ten percent of the total number of nonresident freshman class admissions shall be calculated as follows: the total number of admitted new students who have earned fewer than 30 credit hours from an institution of higher education and who are nonresidents shall be counted on the twentieth day of the fall, spring, and summer sessions of each academic year. Ten percent of the sum of these counts shall be calculated; and

(ii) if the state educational institution exceeds the allotted number of admissions in the conditional admission category described in paragraph (g)(3)(A), the excess over the allowable total number of admissions shall be subtracted from the subsequent year's allowable total;

(B) a statement that a student enrolled in the conditional admission category shall not be admitted to a specific degree program until the student enters the regular admission category;

(C) a requirement that each student admitted in the conditional admission category shall complete 24 credit hours at the state educational institution with a cumulative grade point average of at least 2.0 on a 4.0 scale at the state educational institution within one calendar year of the first day of classes of the first term in which the student is enrolled, in order to exit the conditional admission category and enter the regular admission category; and

(D) a statement that each student who fails to exit the conditional admission category and enter the regular admission category at the end of one calendar year shall be disenrolled from the state educational institution and shall not be admitted again under the provisional or conditional admission category.

(4) The state educational institution's policy shall mandate that a student who meets the cri-

teria for more than one of the temporary, provisional, and conditional admission categories shall not be granted regular admission until the student fulfills the requirements for exiting each of the categories in which the student is initially enrolled.

(h) The admission policy of each state educational institution shall be required to be approved in advance by the board of regents.

The regulation shall be effective on and after August 1, 2007. (Authorized by and implementing K.S.A. 76-717; effective Aug. 1, 2007.)

88-29-10. Methods for state educational institutions to use when evaluating qualifications for admission. This regulation shall be applicable to each state educational institution's review of applicants beginning with the 2008 summer session.

(a) Each admission officer at a state educational institution shall consider an applicant's ACT or SAT scores as follows:

(1) A documented score of 980 on the SAT, excluding the writing portion of the SAT, shall be deemed the equivalent of a score of 21 on the ACT for purposes of this article.

(2) A documented composite score of 21 or above on the ACT may be used to admit an applicant in the temporary admission category after the applicant's completion of the sixth high school semester, without further review of the applicant's materials. If this type of applicant is admitted in the temporary admission category, the applicant shall be allowed to exit from the temporary admission category into the regular admission category only upon verification of high school graduation.

(3) The admission officer shall consider the applicant's best composite ACT score for admission decisions.

(4) The admission officer shall recognize the applicant's score from an ACT or SAT that has been taken residually.

(b) Each admission officer at a state educational institution shall consider class rank as follows:

(1) If class rank cannot be determined, the admission officer shall not admit an applicant under this criterion.

(2) If an applicant's documented class rank is in the top third of the applicant's class after the applicant's seventh semester of high school, the class rank may be used to admit an applicant into the temporary admission category without further review of the applicant's materials. If this type of

applicant is admitted in the temporary admission category, the applicant shall be allowed to exit the temporary admission category and enter the regular admission category only upon verification of high school graduation.

(3) If an applicant's documented class rank is in the top third of the applicant's class after the applicant's sixth semester of high school, the class rank may be used to admit an applicant into the temporary admission category without further review of the applicant's materials. If this type of applicant is admitted into the temporary admission category, the applicant shall be allowed to exit the temporary admission category and enter the regular admission category only upon verification that the applicant meets both of the following requirements:

(A) Remained in the top third of the class after the applicant's seventh semester or returned to the top third of the applicant's class during the eighth semester; and

(B) graduated from high school.

(c) Each admission officer at a state educational institution shall calculate grade point average in the qualified admission precollege curriculum as follows:

(1) The admission officer shall ensure that the requirements of K.A.R. 88-29-11 are met before calculating grade point average.

(2) The admission officer shall calculate a grade point average only for approved qualified admission precollege curriculum courses appearing on the official high school transcript.

(3) The admission officer shall consider a course to be part of the approved qualified admission precollege curriculum only if the course was approved by the board of regents staff, in accordance with procedures established by the board of regents or the board's designee, for the semester and year in which the applicant completed the course and if the applicant earned a grade of D or better.

(4) The admission officer shall consider a course to be part of the approved qualified admission precollege curriculum only if the title of the course that appears on the official high school transcript is the same as the title of the approved course.

(5)(A) If the high school transcript reports grades on a four-point scale, the admission officer shall calculate grade point averages in the approved qualified admission precollege curriculum by assigning four points to a grade of A, three

points to a grade of B, two points to a grade of C and one point to a grade of D. Pluses and minuses shall not be considered in the calculation.

(B) If the high school transcript reports grades on a scale other than a four-point scale, the admission officer shall mathematically convert the grades to a four-point scale and assign points as described in paragraph (b)(5)(A).

(6) The admission officer shall consider grades of P or pass as follows:

(A) If the high school transcript indicates that a P is equivalent to a grade of D or higher, the admission officer shall assign one grade point to each grade of P.

(B) If the high school transcript indicates that a P is equivalent to a grade of C or higher, the admission officer shall assign two grade points to each grade of P.

(C) If the high school transcript does not indicate the minimum letter grade corresponding to a P, the admission officer shall not include the course in the calculations for the grade point average in the qualified admission precollege curriculum.

(7) If an applicant has retaken an approved qualified admission precollege course, the admission officer shall use the highest grade when calculating the grade point average for the approved qualified admission precollege curriculum.

(8) If an applicant has taken a college course to meet the requirements for the approved qualified admission precollege curriculum and if this college course appears on the applicant's official high school transcript, the admission officer shall include the college course in the grade point average as follows:

(A) Each college course with three or more credit hours, but no more than six credit hours, shall be treated as a one-unit high school course.

(B) Each college course with more than six credit hours shall be treated as a two-unit high school course.

(d) If functional equivalents are substituted for courses in the qualified admission precollege curriculum in one or more disciplines, the admission officer of a state educational institution shall not assign a grade point value to the functional equivalents when calculating the qualified admission precollege curriculum grade point average.

(e) At the time of admission of an applicant, the state educational institution shall notify the applicant of each of the following:

(1) The category or categories in which the applicant is admitted;

(2) any enrollment restrictions associated with the applicant's category or categories of admission; and

(3) the requirements for removing any enrollment restrictions associated with the applicant's category or categories of admission.

The regulation shall be effective on and after August 1, 2007. (Authorized by and implementing K.S.A. 76-717; effective Aug. 1, 2007.)

88-29-11. Requirements for the qualified admission precollege curriculum. In order to admit any applicant under the qualified admission precollege curriculum criterion, each state educational institution shall require the applicant to provide an official high school transcript documenting completion of the approved qualified admission precollege curriculum that meets the following requirements:

(a) For each student graduating from high school before 2010, the transcript shall indicate the following distribution of courses:

(1) One unit of approved qualified admission computer technology courses, with the content described in K.A.R. 88-29-13;

(2) four units of approved qualified admission English courses, with the content described in K.A.R. 88-29-14;

(3) three units of approved qualified admission mathematics courses that have the content described in K.A.R. 88-29-15 and that meet the following requirements:

(A) Are at or above the level of qualified admission algebra I; and

(B) were taken during ninth through twelfth grades;

(4) three units of approved qualified admission natural science courses that have the content described in K.A.R. 88-29-16 and that meet the following requirements:

(A) The three units shall be selected from any of the following courses, with at least one unit in each selected course:

(i) Qualified admission biology;

(ii) qualified admission advanced biology;

(iii) qualified admission chemistry;

(iv) qualified admission physics;

(v) qualified admission earth-space science; or

(vi) qualified admission principles of technology; and

(B) at least one unit shall be selected from a

qualified admission chemistry course or a qualified admission physics course; and

(5) three units of approved qualified admission social science courses that have the content described in K.A.R. 88-29-17 and that are distributed according to the following requirements:

(A) A minimum of $\frac{1}{2}$ unit shall be a qualified admission United States government course;

(B) a minimum of $\frac{1}{2}$ unit shall be selected from any of the following courses:

(i) Qualified admission world history;

(ii) qualified admission world geography; or

(iii) qualified admission international relations;

(C) a minimum of one unit shall be a qualified admission United States history course;

(D) up to one unit shall be selected from any of the following courses:

(i) A qualified admission anthropology course;

(ii) a qualified admission current social issues course;

(iii) a qualified admission economics course;

(iv) a qualified admission race and ethnic group relations course;

(v) a qualified admission sociology course;

(vi) a qualified admission psychology course;

(vii) a qualified admission United States history course; or

(viii) a qualified admission United States government course;

(E) a $\frac{1}{2}$ -unit course shall not be used to fulfill more than one requirement of this regulation for more than one discipline in the qualified admissions precollege curriculum; and

(F) a one-unit course may be used to fulfill two $\frac{1}{2}$ -unit requirements of this regulation.

(b) For each student graduating from high school in 2010 and thereafter, the qualified admission precollege curriculum shall consist of the following distribution of courses:

(1) One unit of approved qualified admission computer technology courses with the content described in K.A.R. 88-29-13;

(2) four units of approved qualified admission English courses that have the content described in K.A.R. 88-29-14;

(3) three units of approved qualified admission mathematics courses that have the content described in K.A.R. 88-29-15 and that meet the following requirements:

(A) The course shall be completed in the ninth through twelfth grades; and

(B) the course shall be selected from any of the following courses:

(i) Qualified admission algebra I;

(ii) qualified admission geometry;

(iii) qualified admission algebra II; or

(iv) any mathematics course that has qualified admission algebra II as a prerequisite;

(4) three units of approved qualified admission natural science courses that have the content described in K.A.R. 88-29-16 and that meet the following requirements:

(A) The three units shall be selected from any of the following courses:

(i) Qualified admission biology;

(ii) qualified admission advanced biology;

(iii) qualified admission chemistry;

(iv) qualified admission physics;

(v) qualified admission earth-space science; or

(vi) qualified admission principles of technology; and

(B) at least one unit shall be selected from a qualified admission chemistry course or a qualified admission physics course; and

(5) three units of approved qualified admission social science courses that have the content described in K.A.R. 88-29-17 and that are distributed according to the following requirements:

(A) a minimum of $\frac{1}{2}$ unit shall be a qualified admission United States government course;

(B) a minimum of $\frac{1}{2}$ unit shall be selected from any of the following courses:

(i) Qualified admission world history;

(ii) qualified admission world geography; or

(iii) qualified admission international relations;

(C) a minimum of one unit shall be a qualified admission United States history course;

(D) not more than one unit shall be selected from any of the following courses:

(i) Qualified admission anthropology;

(ii) qualified admission current social issues;

(iii) qualified admission economics;

(iv) qualified admission psychology;

(v) qualified admission race and ethnic group relations;

(vi) qualified admission sociology;

(vii) qualified admission United States history; or

(viii) qualified admission United States government;

(E) a $\frac{1}{2}$ -unit course shall not be used to fulfill more than one requirement of this regulation for more than one discipline in the qualified admissions precollege curriculum; and

(F) a one-unit course may be used to fulfill two $\frac{1}{2}$ -unit requirements of this regulation.

This regulation shall be effective on and after August 1, 2007. (Authorized by and implementing K.S.A. 76-717; effective Aug. 1, 2007.)

88-29-12. Establishment of a qualified admission precollege curriculum by an accredited high school in Kansas.

(a) The administrator of any accredited high school in Kansas may establish a qualified admission precollege curriculum. Failure to establish a qualified admission precollege curriculum shall render the high school's graduates ineligible for admission to a state educational institution under the qualified admission precollege curriculum criterion specified in K.A.R. 88-29-5 and 88-29-7. If an administrator establishes a qualified admission precollege curriculum, the curriculum shall meet the requirements of this regulation. No exemption to these requirements shall be granted.

(b) Each course to be included in an accredited high school's qualified admission precollege curriculum shall be approved in advance by the chief executive officer of the board of regents or the chief executive officer's designee. The approval procedures shall be distributed to accredited high schools in Kansas and shall include the following:

(1) Each administrator of an accredited high school in Kansas who desires to establish and maintain a qualified admission precollege curriculum shall submit materials to the board of regents in accordance with procedures established by the board of regents or the board's designee. Failure to submit materials in a timely manner may disqualify the high school's students for admission to a state educational institution under the qualified admission precollege curriculum criterion specified in K.A.R. 88-29-5 and 88-29-7.

(2) Each administrator of an accredited high school in Kansas with an approved qualified admission precollege curriculum shall notify the board of regents about any changes in course titles, deletion of courses, changes in course content, and changes in contact information in a manner prescribed by the board of regents or the board's designee.

(c) Each course for inclusion in an accredited high school's qualified admission precollege curriculum shall be approved according to the following procedures:

(1) A course shall be approved only if the content of the course meets the applicable requirements of K.A.R. 88-29-13 through 88-29-17.

(2) Two ½-unit courses may be approved to ful-

fill one unit of the qualified admission precollege curriculum only if the content of the resultant combination meets the applicable requirements of K.A.R. 88-29-13 through 88-29-17 and is equally distributed between the two ½-unit courses.

(3) Any college course offered by an eligible institution of higher education may be approved for inclusion in an accredited high school's qualified admission precollege curriculum if the course meets all of the following conditions:

(A) The content of the college course meets the applicable requirements in K.A.R. 88-29-13 through 88-29-17.

(B) The number of credit hours for the college course is three or more.

(C) The college course appears on the official high school transcript.

(4) Any integrated course that is not also an accelerated course may be approved by the chief executive officer or the chief executive officer's designee if the integrated course meets at least one of the following conditions:

(A) If all requirements for qualified admission algebra I and qualified admission geometry, as described in K.A.R. 88-29-15, are covered in an integrated course over a period of time equivalent to the time for two one-unit courses, two units of integrated mathematics may be approved to substitute for qualified admission algebra I and qualified admission geometry.

(B) If all requirements for qualified admission algebra I and II and qualified admission geometry, as described in K.A.R. 88-29-15, are covered in an integrated course over a period of time equivalent to the time for three one-unit courses, three units of integrated mathematics may be approved to substitute for qualified admission algebra I and II and qualified admission geometry.

(C) If a course meets all requirements for both a qualified admission English course and a qualified admission social studies course, as described in K.A.R. 88-29-14 and 88-29-17, and meets for a length of time equivalent to the time for two one-unit courses, the integrated course may be approved to substitute for one unit of English and one unit of social studies in the qualified admission precollege curriculum.

(D) If the content of an integrated course meets all requirements for two qualified admission natural science courses, as described in K.A.R. 88-29-16, and covers the material over a period of time equivalent to the time for two one-unit

courses, the integrated course may be substituted for two units of natural science in the qualified admission precollege curriculum.

(5)(A) A one-unit integrated science course shall not be approved unless the course is also an accelerated course.

(B) A qualified admission computer technology course that is integrated into any other course in the qualified admission precollege curriculum shall be approved if all content areas described in K.A.R. 88-29-13 are included and are distributed throughout the duration of the course.

(C) Any accelerated course may be approved for inclusion in the qualified admission precollege curriculum.

(d) The list of courses that have been approved to be included in the qualified admission precollege curriculum for each accredited high school in Kansas shall be available from the board.

(e) Upon receipt of information that an approved course in the qualified admission precollege curriculum does not meet the applicable content requirements specified in these regulations, the content of that approved course may be reviewed by the chief executive officer of the board of regents or the chief executive officer's designee to verify that the course continues to meet the applicable content requirements in K.A.R. 88-29-13 through 88-29-17.

This regulation shall be effective on and after August 1, 2007. (Authorized by and implementing K.S.A. 76-717; effective Aug. 1, 2007.)

88-29-13. Content requirements for qualified admission computer technology courses. Each qualified admission computer technology course shall include instruction in each of the following:

(a) The meaning of at least 90 of the terms in the following sets of terms:

(1) Disk operating system, MS-DOS, Mac OS, Microsoft Windows, operating system, OS/2, and UNIX;

(2) American standard code for information interchange (ASCII), binary, command, compression, directory or folder, file, format, menu, prompt, server, and utility programs;

(3) clipboard, graphical user interface (GUI), multiprocessing, multitasking, and root directory;

(4) central processing unit (CPU), computer hardware, keyboard, monitor, motherboard, mouse, printer, random-access memory (RAM), scanner, and video resolution color depth;

(5) bit, byte, compact disc read-only memory (CD-ROM), diskette, gigabyte, hard disk, kilobyte, magnetic storage media, megabyte, and optical storage;

(6) baud and modem;

(7) boldface, center, cut, edit, font, format, justify, paste, spell-check, type size, underline, and word processor;

(8) absolute reference, attributes of a cell, cell, chart, copy across, copy down, formula, relative reference, and spreadsheet;

(9) database, field, filter, record, report, and sort;

(10) presentation software and slides;

(11) client/server, ethernet, file transfer protocol, gopher, host, local area network, and network;

(12) bookmark, browser, bulletin board system (BBS), download and upload, hypertext, hypertext markup language (HTML), internet, uniform resource locator (URL), and world wide web;

(13) discussion list, e-mail, flame, frequently asked questions (FAQs), online telecommuting, teleconferencing, telnet, usenet, and virus; and

(14) computer crime, copyright, ethics, fraud, laws, legislation, and privacy;

(b) each of the following hardware skills:

(1) Entering commands from the keyboard, mouse, or other input device;

(2) turning a machine on and off; and

(3) identifying the operating system type and version;

(c) a minimum of three of the following file management skills:

(1) Creating a directory, subdirectory, and folder;

(2) copying files from one directory to another directory;

(3) finding a file located on a hard disk or other storage device;

(4) renaming or deleting files and either directories or folders; or

(5) decompressing a file using a given decompression program;

(d) each of the following diskette skills:

(1) Copying files to and from a diskette;

(2) formatting a diskette; and

(3) checking a diskette for viruses using a virus check program;

(e) each of the following word processing skills:

(1) Launching a word processor and creating documents;

(2) formatting a document according to certain

specifications, including each of the following skills:

(A) Entering text and changing margins, paragraph format, and page numbering;

(B) changing text styles, including the font, type size, and other special characteristics; and

(C) entering a title and text; and

(D) centering the lines of text on the page, with the title in boldface and a larger type size than the body of the text;

(3) opening a saved document that is stored on a hard disk or floppy disk;

(4) checking for spelling and grammatical errors using the software;

(5) rearranging sentences and paragraphs using cut-and-paste methods; and

(6) saving and printing documents;

(f) each of the following spreadsheet skills:

(1) Launching a spreadsheet program and saving and printing a spreadsheet in portrait or landscape;

(2) creating a spreadsheet using formulas;

(3) changing cell text and number attributes;

(4) inserting or deleting a row into or from a spreadsheet;

(5) copying a formula with both relative and absolute references down a column or across a row;

(6) copying a formula from one cell and pasting the formula into another cell; and

(7) creating a chart from a spreadsheet;

(g) each of the following database software skills:

(1) Creating a database;

(2) sorting a database on any field in any order;

(3) creating a report that filters out some of the data; and

(4) printing a report;

(h) presentation software skills, including creating and printing a presentation document that meets specified requirements;

(i) each of the following multitasking skills:

(1) Opening several programs at once; and

(2) inserting material from one program, including e-mail, spreadsheet, database, and presentation software, into another program;

(j) each of the following networking and internet skills:

(1) Transferring a file by connecting to another computer to upload and download files in any format, including ASCII, binary, and binary hexadecimal (binhex);

(2) receiving, saving, and decoding attachments;

(3) creating e-mail messages, with attachments;

(4) accessing a site on the world wide web and copying a file from the site to disk; and

(5) following hypertext links from that site to several others and bookmarking the path;

(k) each of the following ethical standards:

(1) Making copies of copyrighted software without permission is software piracy;

(2) misusing passwords or otherwise using computers without permission is unethical; and

(3) interfering with the transmission, storage, or retrieval of data through deliberate virus infection, alteration of codes, or destruction or damage of operating systems is unethical; and

(l) additional topics, upon prior approval of the chief executive officer of the board of regents or the chief executive officer's designee.

This regulation shall be effective on and after August 1, 2007. (Authorized by and implementing K.S.A. 76-717; effective Aug. 1, 2007.)

88-29-14. Content requirements for qualified admission English courses. Each qualified admission English course shall meet all of the following requirements:

(a) If the course is offered for high school credit only, the course shall be taught by an instructor who is licensed to teach English at the secondary level.

(b) The course shall include formal writing assignments, excluding answers to essay exams, that meet the following requirements for each grade level:

(1) Each ninth-grade course shall include a minimum of two graded assignments of 250 or more words each, two graded assignments of 350 or more words each, and two graded assignments of 500 or more words each.

(2) Each tenth-grade course shall include a minimum of three graded assignments of 500 or more words each and three graded assignments of 1,000 or more words each.

(3) Each eleventh-grade course shall include a minimum of three graded assignments of 500 or more words each, two graded assignments of 1,000 or more words each, and a research paper of 750 or more words.

(4) Each twelfth-grade course shall include a minimum of five graded assignments of 1,000 or more words each and a research paper of 1,500 or more words.

(c) The course shall include written assignments about the literature studied in class.

(d) The course shall include a minimum of two written assignments according to the following criteria:

- (1) Writing about local, regional, national, or international events;
- (2) creative writing; and
- (3) writing associated with research projects.

(e) The course shall include study of the writing process using the six-trait model or another model.

(f) The course shall include the study of complete works of literature rather than excerpts or abridged versions.

(g) The course shall include a study of literature that shall not be limited to a single audience or content area. A single audience or content area may include children's literature, sports literature, science fiction or fantasy, and literature of the old American west.

(h) The course shall include a study of the literary elements and devices of plot, setting, character, theme, point of view, mood, tone, style, personification, alliteration, assonance, simile, metaphor, idiom, flashback, foreshadowing, analogy, and symbolism in written literature that meets the following criteria:

- (1) Treats universal themes;
- (2) offers sufficient complexity for multiple interpretations; and
- (3) includes language that is demonstrative of the literary elements and devices specified in this subsection.

(i) The course shall include study of novels, plays, short stories, and poetry in the amount specified for each grade level as follows:

(1) Each ninth-grade course shall include at least 12 works distributed as follows:

(A) At least three works selected from novels and plays, with at least one work in each genre; and

(B) at least five short stories; and

(C) at least four poems.

(2) Each tenth-grade course shall include at least 16 works distributed as follows:

(A) At least three works selected from novels and plays, with at least one work in each genre;

(B) at least eight short stories; and

(C) at least five poems.

(3) Each eleventh-grade course shall include at least 18 works distributed as follows:

(A) At least four works selected from novels and plays, with a minimum of one work in each genre;

(B) at least eight short stories; and

(C) at least six poems.

(4) Each twelfth-grade course shall include at least 19 works distributed as follows:

(A) At least four works selected from novels and plays, with at least one work in each genre;

(B) at least eight short stories; and

(C) at least seven poems.

(j) The course may include additional genres or excerpts of literary works, upon prior approval of the chief executive officer of the board of regents or the chief executive officer's designee.

(k) The course shall include experience in speaking and listening, including at least two oral presentations, with reasonable accommodations made for any student who has a visual, auditory, or speech impairment.

(l) The course shall include the use of audiovisual materials.

This regulation shall be effective on and after August 1, 2007. (Authorized by and implementing K.S.A. 76-717; effective Aug. 1, 2007.)

88-29-15. Content requirements for qualified admission mathematics courses.

Each qualified admission mathematics course shall meet all of the following requirements:

(a) The course shall be classified as a mathematics course in the course description.

(b) If the course is offered for high school credit only, the course shall be taught by an instructor who is licensed to teach mathematics at the secondary level.

(c) The course shall emphasize each of the following skills:

(1) Algebraic and geometric thought;

(2) mathematical reasoning in the context of real-world problem solving;

(3) communicating about mathematics; and

(4) using technology in mathematical contexts.

(d) The course shall meet the criteria for one of the following:

(1) A qualified admission algebra I course, which shall include instruction in each of the following topics:

(A) Linear equations and functions, including both symbolic and graphic representations;

(B) data analysis, including linear regression for a data set;

(C) solution of linear equations and inequalities, both singularly and in systems, with sufficient emphasis to produce proficiency;

(D) properties of positive and negative real

numbers, with sufficient emphasis to produce proficiency;

- (E) absolute value;
- (F) exponents and radicals;
- (G) factoring patterns;
- (H) solutions of quadratic equations; and

(I) additional topics upon approval of the chief executive officer of the board of regents or the chief executive officer's designee;

(2) a qualified admission algebra II course, which shall meet the following requirements:

(A) Enrollment in the course shall be limited to students who have successfully completed qualified admission algebra I and qualified admission geometry; and

(B) the course shall include instruction in each of the following topics:

- (i) Linear functions and equations;
- (ii) the solution of quadratic equations by a variety of methods with sufficient emphasis to produce proficiency;
- (iii) exponential and logarithmic equations and functions;
- (iv) manipulation of algebraic fractions;
- (v) connections between symbolic, numeric, and graphical representations;
- (vi) the use of matrices to solve systems of equations and to organize and analyze data;
- (vii) fundamentals of probability and combinatorics; and

(viii) additional topics upon approval of the chief executive officer of the board of regents or the chief executive officer's designee;

(3) a qualified admission geometry course, which shall meet the following requirements:

(A) Enrollment in the course shall be restricted to students who have successfully completed algebra I; and

(B) the course shall include instruction in each of the following topics:

- (i) Euclidean, transformational, and coordinate geometry;
- (ii) the Pythagorean theorem and distance formula, with sufficient emphasis to produce proficiency;
- (iii) properties of polygons, circles, and three-dimensional figures, including prisms, cylinders, and cones;
- (iv) measurement concepts related to perimeter, area, and volume;
- (v) the use of similarity and congruence in solving problems and as tools in developing proofs and constructions;

(vi) development of mathematical reasoning, including several approaches to proof, with sufficient emphasis to produce proficiency; and

(vii) additional topics upon approval of the chief executive officer of the board of regents or the chief executive officer's designee; or

(4) any mathematics course for which enrollment is restricted to students who have successfully completed qualified admission algebra II.

This regulation shall be effective on and after August 1, 2007. (Authorized by and implementing K.S.A. 76-717; effective Aug. 1, 2007.)

88-29-16. Content requirements for qualified admission natural science courses.

Each qualified admission natural science course shall meet all of the following requirements:

(a) The course shall be classified as a science course in the course description.

(b) The course shall include an average of at least one laboratory or field experience each week. The laboratory or field experiences shall meet both of the following requirements:

(1) At least two-thirds of the laboratory or field experiences shall be conducted with face-to-face contact with an instructor and with direct exposure to the organisms or processes, or both, to be studied.

(2) The laboratory or field experiences shall include instruction in the following skills:

(A) Designing and conducting scientific investigations;

(B) using technology and mathematics in science;

(C) formulating and revising scientific explanations and models using logic and evidence;

(D) recognizing and analyzing alternative explanations and models; and

(E) communicating and defending a scientific argument.

(c) The course shall meet one of the following requirements:

(1) Qualified admission advanced biology. This course shall meet all of the following requirements:

(A) If the course is offered for high school credit only, the course shall be taught by an instructor licensed to teach biology at the secondary level.

(B) Enrollment in the course shall be limited according to the following requirements:

(i) Junior or senior standing or gifted status shall be required for enrollment in the course.

(ii) A qualified admission biology course shall be a prerequisite for enrollment in the course.

(iii) If successful completion of a course in addition to a qualified admission biology course is required before enrollment in the qualified admission advanced biology course, the prerequisite course shall meet the requirements of subsections (a) and (b) and the applicable requirements of subsection (c) of this regulation.

(C) The course shall be limited to instruction in one or more of the following topics:

(i) The structure and function of the cell;

(ii) chromosomes, genes, the molecular basis of heredity, and the major concepts of biological evolution;

(iii) the interdependence of organisms and the interaction of organisms with the physical environment;

(iv) the behavior of animals and the connection between their nervous systems and behavior; or

(v) the structure, function, and diversity of organisms.

(2) Qualified admission biology. This course shall meet all of the following requirements:

(A) If the course is offered for high school credit only, the course shall be taught by an instructor who is licensed to teach biology at the secondary level.

(B) The course shall meet the requirements in "standard 3: life science" for grades eight through 12 established by the Kansas state board of education in the "Kansas curricular standards for science education," as approved on November 8, 2005 and hereby adopted by reference.

(C) The course may include additional content upon approval of the chief executive officer of the board of regents or the chief executive officer's designee.

(3) Qualified admission chemistry. This course shall meet all of the following requirements:

(A) If the course is offered for high school credit only, the course shall be taught by an instructor who is licensed to teach chemistry at the secondary level.

(B) The course shall meet the requirements in "standard 2A: chemistry" for grades eight through 12 established by the Kansas state board of education in the "Kansas curricular standards for science education," as approved on November 8, 2005 and hereby adopted by reference.

(C) The course may include additional content upon approval of the chief executive officer of the

board of regents or the chief executive officer's designee.

(4) Qualified admission earth-space science. This course shall meet all of the following requirements:

(A) If the course is offered for high school credit only, the course shall be taught by an instructor who is licensed to teach earth-space science at the secondary level.

(B) The course shall meet the requirements in "standard 4: earth and space science" for grades eight through 12 established by the Kansas state board of education in the "Kansas curricular standards for science education," as approved on November 8, 2005 and hereby adopted by reference.

(C) The course may include additional content upon approval of the chief executive officer of the board of regents or the chief executive officer's designee.

(5) Qualified admission physics. This course shall meet all of the following requirements:

(A) If the course is offered for high school credit only, the course shall be taught by an instructor who is licensed to teach physics at the secondary level.

(B) The course shall meet the requirements in "standard 2B: physics" for grades eight through 12 established by the Kansas state board of education in the "Kansas curricular standards for science education," as approved on November 8, 2005 and hereby adopted by reference.

(C) The course may include additional content upon approval of the chief executive officer of the board of regents or the chief executive officer's designee.

(6) Principles of technology. This course shall include "principles of technology: unit and sub-unit objectives," second edition, established by the center for occupation research and development (CORD), copyrighted 2005 and hereby adopted by reference.

This regulation shall be effective on and after August 1, 2007. (Authorized by and implementing K.S.A. 76-717; effective Aug. 1, 2007.)

88-29-17. Content requirements for qualified admission social science courses. Each qualified admission social science course shall meet all of the requirements specified for one of the following courses:

(a) Qualified admission anthropology course. This course shall include instruction in all of the following topics:

(1) Different theoretical approaches to anthropology;

(2) research methods in anthropology;

(3) cross-cultural examination of marriage and family;

(4) cross-cultural examination of politico-economic organizations;

(5) cross-cultural examination of belief systems;

(6) ethnocentrism compared to cultural relativity;

(7) expressive culture;

(8) cultural change; and

(9) other related topics as approved in advance by the chief executive officer of the board of regents or the chief executive officer's designee.

(b) Qualified admission current social issues course. This course shall include instruction in all of the following topics:

(1) Theoretical perspectives on social problems;

(2) research methods in social problems;

(3) cross-cultural perspectives in politico-economic problems;

(4) social problems related to social inequities;

(5) social problems related to social institutions;

(6) social problems related to social change; and

(7) other related topics as approved in advance by the chief executive officer of the board of regents or the chief executive officer's designee.

(c) Qualified admission economics course. This course shall meet the curricular standards for high school for economics established by the Kansas state board of education on pages 232 through 239 in the "Kansas curricular standards for history and government; economics and geography" as approved in December 2004, revised on August 22, 2005, and hereby adopted by reference.

(d) Qualified admission United States government course. This course shall meet the curricular standards for high school for civics-government established by the Kansas state board of education on pages 225 through 231 in the "Kansas curricular standards for history and government; economics and geography" as approved in December 2004, revised on August 22, 2005, and hereby adopted by reference.

(e) Qualified admission United States history course. This course shall meet the curricular standards for high school for United States history established by the Kansas state board of education on pages 255 through 262 in the "Kansas curricular standards for history and government; economics and geography" as approved in December

2004, revised on August 22, 2005, and hereby adopted by reference.

(f) Qualified admission international relations course. This course shall include instruction in all of the following topics:

(1) Theories of international relations;

(2) historical background, including the Cold War;

(3) international law;

(4) international organizations;

(5) armed conflict and its causes;

(6) balance of power, deterrence, and arms control;

(7) political and economic globalization;

(8) trade and politics, including economic sanctions;

(9) religious, ethnic, nationalistic, and humanitarian challenges to global order, including each of the following:

(A) Poverty;

(B) disease;

(C) militant ideologies;

(D) environmental issues;

(E) human rights; and

(F) terrorism; and

(10) other related topics as approved in advance by the chief executive officer of the board of regents or the chief executive officer's designee.

(g) Qualified admission psychology course. This course shall include instruction in all of the following topics:

(1) Ways to access information on the principles and principal proponents of psychological theories, using accepted methods of scientific inquiry;

(2) the biological basis of behavior, including all of the following:

(A) Physiology of the brain and nervous system;

(B) physiology of the sensory systems; and

(C) perceptual processes;

(3) learning theories and cognitive processes;

(4) theories of motivation and emotion;

(5) human life span development;

(6) major theories of personality;

(7) major disorders of abnormal psychology and their treatment;

(8) how the individual, group, and environment influence human interactions; and

(9) other related topics as approved in advance by the chief executive officer of the board of regents or the chief executive officer's designee.

(h) Qualified admission race and ethnic relations course. This course shall include instruction in all of the following topics:

- (1) Racism and prejudice in the United States;
- (2) historical issues;
- (3) similarities and differences in racial and ethnic group experiences;
- (4) theoretical approaches to race and ethnicity;
- (5) immigration, assimilation, and separatism;
- (6) cultural, economic, and political implications of race and ethnicity;
- (7) current debates related to cultural politics;
- (8) legal issues including antidiscrimination laws, hate crimes, and affirmative action; and
- (9) other related topics as approved in advance by the chief executive officer of the board of regents or the chief executive officer's designee.

(i) Qualified admission sociology course. This course shall include instruction in all of the following topics:

- (1) The foundations of sociology, including each of the following:

- (A) The history and philosophy of sociology;
- (B) applications of sociology;
- (C) major sociological perspectives; and
- (D) sociological research methods and related ethical issues;

- (2) the foundations of society, including all of the following:

- (A) Major components of culture;
- (B) major types of societies;
- (C) the process of socialization;
- (D) the components of social structure;
- (E) social interaction; and
- (F) theories of deviance and types of social control;

- (3) social inequality, including the following:

- (A) Major theoretical explanations of social inequality;

- (B) local, national, and global perspectives on social stratification; and

- (C) inequalities associated with gender, sexual orientation, age, race, and ethnicity;

- (4) social institutions, including the following:

- (A) Economic institutions; and

- (B) the interrelationships between major social institutions;

- (5) social change, including dynamics of population change, environment, and urbanization;

- (6) perspectives on collective behavior, social movements, and social change in local, national, and global contexts; and

- (7) other related topics as approved in advance by the chief executive officer of the board of regents or the chief executive officer's designee.

- (j) Qualified admission world geography course.

This course shall meet the curricular standards for high school geography established by the Kansas state board of education on pages 240 through 249 in the "Kansas curricular standards for history and government; economics and geography" as approved in December 2004, revised on August 22, 2005, and hereby adopted by reference.

(k) Qualified admission world history course. This course shall meet the curricular standards for high school for world history established by the Kansas state board of education on pages 263 through 271 in the "Kansas curricular standards for history and government; economics and geography" as approved in December 2004, revised on August 22, 2005, and hereby adopted by reference.

This regulation shall be effective on and after August 1, 2007. (Authorized by and implementing K.S.A. 76-717; effective Aug. 1, 2007.)

88-29-18. Functional equivalents of the qualified admission precollege curriculum; residents. This regulation shall be applicable to each state educational institution's review of applicants beginning with the 2008 summer session.

In order to admit an applicant under the criterion of successful completion of the functional equivalent of the qualified admission precollege curriculum, the admission officer of each state educational institution shall require each applicant who is a Kansas resident to meet one or more of the sets of requirements specified in subsections (a) through (e). An admission officer of a state educational institution shall not grant any exception to this regulation.

(a) To demonstrate successful completion of the functional equivalent of a qualified admission precollege computer technology course described in K.A.R. 88-29-11, each applicant shall provide official documentation of a score of 60 percent or higher on a computer literacy exam covering the topics and skills specified in K.A.R. 88-29-13.

(b) To demonstrate successful completion of the functional equivalent of the qualified admission precollege English courses described in K.A.R. 88-29-11, each applicant shall provide both of the following:

(1) Documentation on the official high school transcript of completion of any three units of high school English with no grade lower than a C; and

(2) official documentation of achievement of at least one of the following:

(A) A score of three or higher in either of the

following college board advanced placement (AP) courses:

- (i) Language and composition; or
- (ii) literature and composition; or
- (B) a grade of B or higher in a general education English course taken before high school graduation and either offered by or accepted in transfer by a state educational institution.

(c) To demonstrate successful completion of the functional equivalent of the qualified admission precollege mathematics courses as described in K.A.R. 88-29-11, each applicant shall provide both of the following:

(1) Documentation on the official high school transcript of completion of any two units of high school mathematics courses with no grade lower than a C; and

(2) official documentation of achievement of at least one of the following:

(A) A score of three or higher in any of the following college board advanced placement (AP) courses:

- (i) Calculus AB; or
- (ii) calculus BC; or

(B) a grade of C or higher in a general education mathematics course taken before high school graduation and either offered by or accepted in transfer by a state educational institution.

(d) To demonstrate successful completion of the functional equivalent of the qualified admission precollege natural science courses described in K.A.R. 88-29-11, each applicant shall provide both of the following:

(1) Documentation on the official high school transcript of completion of any two units of high school science courses with no grade less than a C; and

(2) official documentation of achievement of at least one of the following:

(A) A score of three or higher in any of the following college board advanced placement (AP) courses:

- (i) Biology;
- (ii) chemistry; or
- (iii) physics B; or

(B) a grade of C or higher in a general education natural science laboratory course taken before high school graduation and either offered by or accepted in transfer by a state educational institution.

(e) To demonstrate successful completion of the functional equivalent of the qualified admission precollege social science courses described in

K.A.R. 88-29-11, each applicant shall provide both of the following:

(1) Documentation on the official high school transcript of completion of any two units of high school social science courses with no grade lower than a C; and

(2) official documentation of achievement of at least one of the following:

(A) A score of three or higher in any of the following college board advanced placement (AP) courses:

- (i) Microeconomics;
- (ii) macroeconomics;
- (iii) comparative government and policies;
- (iv) United States government and policies;
- (v) European history;
- (vi) United States history; or
- (vii) psychology; or

(B) a grade of B or higher in a general education social science course taken before high school graduation and either offered by or accepted in transfer by a state educational institution.

The regulation shall be effective on and after August 1, 2007. (Authorized by and implementing K.S.A. 76-717; effective Aug. 1, 2007.)

88-29-19. Functional equivalents of the qualified admission precollege curriculum; nonresidents. This regulation shall be applicable to each state educational institution's review of applicants beginning with the 2008 summer session.

In order to admit an applicant under the criterion of successful completion of the functional equivalent of the precollege curriculum, the admission officer of each state educational institution shall require each applicant who is not a resident of Kansas to meet one or more of the sets of requirements specified in subsections (a) through (f). An admission officer of a state educational institution shall not grant any exception to this regulation.

(a) To demonstrate successful completion of the functional equivalent of the qualified admission precollege computer technology courses described in K.A.R. 88-29-11, each applicant shall provide official documentation of a score of 60 percent or higher on a computer literacy exam covering the topics and skills specified in K.A.R. 88-29-13.

(b) To demonstrate successful completion of the functional equivalent of the qualified admission precollege English courses described in

K.A.R. 88-29-11, each applicant shall provide both of the following:

(1) Documentation on the official high school transcript of completion of any three units of high school English with no grade lower than a C and at least one grade of B or higher; and

(2) official documentation of achievement of at least one of the following:

(A) A score of three or higher in either of the following college board advanced placement (AP) courses:

- (i) Language and composition; or
- (ii) literature and composition; or

(B) a grade of B or higher in a general education English course taken before high school graduation and either offered by or accepted in transfer by a state educational institution.

(c) To demonstrate successful completion of the functional equivalent of the qualified admission precollege mathematics courses described in K.A.R. 88-29-11, each applicant shall provide both of the following:

(1) Documentation on the official high school transcript of completion of any two units of high school mathematics courses with no grade lower than a C and at least one grade of B or higher; and

(2) official documentation of achievement of at least one of the following:

(A) A score of three or higher in either of the following college board advanced placement (AP) courses:

- (i) Calculus AB; or
- (ii) calculus BC; or

(B) a grade of C or better in a general education mathematics course taken before high school graduation and either offered by or accepted in transfer by a state educational institution.

(d) To demonstrate successful completion of the functional equivalent of the qualified admission precollege natural science courses described in K.A.R. 88-29-11, each applicant shall provide both of the following:

(1) Documentation on the official high school transcript of completion of any two units of high school science courses with no grade less than a C and at least one grade of B or higher; and

(2) official documentation of achievement of at least one of the following:

(A) A score of three or higher in any of the following college board advanced placement (AP) courses:

- (i) Biology;

(ii) chemistry; or

(iii) physics B; or

(B) a grade of C or higher in a general education natural science laboratory course taken before high school graduation and either offered by or accepted in transfer by a state educational institution.

(e) To demonstrate successful completion of the functional equivalent of the qualified admission precollege social science courses described in K.A.R. 88-29-11, each applicant shall provide both of the following:

(1) Documentation on the official high school transcript of completion of any two units of high school social science course with no grade lower than a C and at least one grade of B or higher; and

(2) official documentation of achievement of at least one of the following:

(A) A score of three or higher in any of the following college board advanced placement (AP) courses:

- (i) Microeconomics;
- (ii) macroeconomics;
- (iii) comparative government and policies;
- (iv) United States government and policies;
- (v) European history;
- (vi) United States history; or
- (vii) psychology; or

(B) a grade of B or higher in a general education social science course taken before high school graduation and either offered by or accepted in transfer by a state educational institution.

(f) To demonstrate successful completion of the functional equivalent of all of the courses described in K.A.R. 88-29-11, each applicant who has attended an accredited high school located outside the United States shall provide official documentation of a study in mathematics, science, literature, and composition and completion of this study at a level that exceeds the minimum graduation standards of that accredited high school.

The regulation shall be effective on and after August 1, 2007. (Authorized by and implementing K.S.A. 76-717; effective Aug. 1, 2007.)

Article 30.—STUDENT HEALTH INSURANCE PROGRAM

88-30-1. Definitions. The following terms wherever used in this article shall have the meanings specified in this regulation:

- (a) “Degree-seeking undergraduate student”

means a student who has formally indicated to the state educational institution the intent to complete a program of study that is designated by the United States department of education as a program that is eligible for federal financial aid.

(b) "Dependent" means a student's unmarried child under the age of 19 who is not self-supporting.

(c) "Employer contribution" means the amount paid by a state educational institution for the coverage of a student employee that equals 75% of the cost of student-only coverage.

(d) "State board" means the state board of regents.

(e) "State educational institution" has the meaning specified in K.S.A. 76-711, and amendments thereto, except that for the purposes of this article, the university of Kansas medical center shall be considered a state educational institution separate from the university of Kansas, Lawrence, and its campuses.

(f)(1) "Student" means any individual who meets each of the following conditions:

(A) Is enrolled at a state educational institution, except as provided in paragraph (f)(1)(C)(iv) of this regulation;

(B) is not eligible for coverage under K.A.R. 108-1-1; and

(C) meets one of the following conditions:

(i) Is a degree-seeking undergraduate student who is enrolled in at least six hours in the fall or spring semesters or at least three hours in the summer semester or is participating in an internship approved or sponsored by the state educational institution;

(ii) is a master's degree student who is enrolled in at least three hours each semester;

(iii) is an individual with J-1 or other nonimmigrant status;

(iv) is an individual with nonimmigrant status who is engaged in optional practical training or academic training, even though the individual is not enrolled;

(v) is a doctoral student;

(vi) is a master's or doctoral student who is participating in an internship approved or sponsored by the state educational institution; or

(vii) has been appointed as a postdoctoral fellow.

(2) "Student" shall not include either of the following:

(A) Any individual who is enrolled exclusively in any of the following:

(i) One or more semester-based internet courses;

(ii) one or more semester-based television courses;

(iii) one or more home study courses; or

(iv) one or more correspondence courses; or

(B) a concurrent enrollment pupil, as defined in K.S.A. 72-11a03, and amendments thereto.

(3) Each individual who meets the criteria for being a "student," as specified in this subsection, at the time of application for coverage under the student health insurance program shall remain eligible for coverage throughout the coverage period.

(g) "Student employee" means a student who meets one of the following conditions:

(1) Is appointed for the current semester to a graduate teaching assistant or graduate research assistant position that is at least a 50% appointment; or

(2) holds concurrent appointments to more than one graduate teaching or graduate research position that total at least a 50% appointment.

(h) "Student health insurance program" means the health and accident insurance coverage or health care services of a health maintenance organization for which the state board has contracted pursuant to K.S.A. 75-4101, and amendments thereto. (Authorized by and implementing K.S.A. 2006 Supp. 75-4101; effective, T-88-6-14-07, June 14, 2007; effective Oct. 12, 2007.)

88-30-2. Election of coverage. Any student may elect coverage under the student health insurance program for any of the following sets of people:

(a) The student;

(b) the student and the student's spouse;

(c) the student and the student's dependents;

or

(d) the student, the student's spouse, and the student's dependents. (Authorized by and implementing K.S.A. 2006 Supp 75-4101; effective, T-88-6-14-07, June 14, 2007; effective Oct. 12, 2007.)

88-30-3. Payment of premiums. Each student who elects coverage under the student health insurance program as described in K.A.R. 88-30-2 shall pay the costs of the coverage as follows:

(a) Each student who is not a student employee shall pay the full cost of the elected coverage.

(b) Each student employee's cost of elected

coverage shall be reduced by the employer's contribution. (Authorized by and implementing K.S.A. 2006 Supp. 75-4101; effective, T-88-6-14-07, June 14, 2007; effective Oct. 12, 2007.)